



Empowering People to Lead Systemic Change

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House Health & Government Operations Committee
House Bill 1055: Commission on Nondiscrimination - Establishment
Monday, March 10, 2025, 11:00 AM
Position: Favorable

Disability Rights Maryland (DRM) is the protection and advocacy organization for the state of Maryland; the mission of the organization, part of a national network of similar agencies, is to advocate for the legal rights of people with disabilities throughout the state. DRM relies on existing federal laws to protect Marylanders rights to be free from disability discrimination. DRM appreciates the opportunity to provide testimony on HB 1055, which will allow the state of Maryland to respond to attacks on federal anti-discrimination laws and take action to protect Marylanders against discrimination.

Maryland prides itself for its protection of civil rights, but recent attacks on federal antidiscrimination laws threaten this core component of our state's identity, history and culture. These attacks on civil rights have targeted almost every marginalized group, including people with disabilities, a class that intersects and interacts with multiple other marginalizations, as being marginalized based on race, ethnicity, national origin, religion, gender, sex, or class makes one more vulnerable to experiencing disability. Thus, while DRM focuses on protecting disability rights, we want to explicitly name the importance of protecting Marylanders against all forms of status-based discrimination.

Recent attacks on disability rights highlight the necessity of HB 1055 for Marylanders with disabilities, as *Texas v. Becerra*, a pending lawsuit in front of the U.S. Supreme Court threatens the existence of Section 504 of the Rehabilitation Act by seeking to declare Section 504 unconstitutional. Section 504 prohibits discrimination on the basis of disability in any program or facility that accepts federal funds, making it one of the most critical protections against disability discrimination in healthcare facilities and educational institutions. In addition, federal officials have also expressed an intent to gut critical provisions within the Americans with Disabilities Act (ADA), seeking to eliminate disabled people's rights to be free of unjust segregation in institutions and to receive services needed to integrate into their communities. If either Section 504 or ADA protections were to be dismantled, Marylanders with disabilities would be put at risk of discrimination, exclusion from their communities, and segregation to institutional settings.

The threats to disability rights don't end with the courts, as federal lawmakers have also expressed their intent to dismantle critical disability non-discrimination protections provided through the Department of Education, the federal Medicaid program, and the Social Security Administration. These critical programs have been essential in dismantling the once rampant segregation of people with disabilities to institutional settings, where people with disabilities often experienced abuse, neglect, and human rights violations including experimentation and forced sterilization. Medicaid's waiver programs provide access to essential home and community-based supports for people with disabilities who are at risk of institutionalization, providing disabled people the resources needed to participate as valued members of their families and our communities. Similarly social security provides vital income supports to more than 8 million people with disabilities, protecting them against unjust segregation and enabling people with disabilities to self-determine their lives in the

community. The Department of Education also promotes community integration for disabled people of all ages through civil rights enforcement and allocation of special education and vocational rehabilitation funds, which guarantees the rights of people with disabilities rights to inclusive educational and employment opportunities. These positive rights protected under federal law, help guarantee that Marylanders with disabilities can access the services and supports needed to realize Maryland's value of promoting equal opportunities to all people.

Calls have also been made to defund the federal protection and advocacy system, specifically targeting the Protection and Advocacy for Individuals with Mental Illness Act (PAIMI) which funds a significant portion of DRM's work. Under the PAIMI Act, DRM provides critical advocacy and legal services to protect people with mental disabilities against unnecessary institutionalization by helping people with mental health disabilities access community supports needed to successfully live in their communities and ensure that individuals who are in institutions receive appropriate care and treatment that is respectful of their rights. Threats to these already scarce legal services could jeopardize disabled people's access to justice, as well as Maryland's legacy as a beacon for civil and human rights.

Dismantling any one of these crucial federal disability rights protections would be devastating to Maryland's vision of creating inclusion and opportunity for all, but this threat is especially apparent right now in the face of the State of Maryland's current dire fiscal outlook. Disabled people's rights to community integration are often the first to be placed on the chopping block. While fiscal efficiency is necessary, pro-active measures to protect against discrimination such as the Commission on Nondiscrimination proposed in HB 1055, are essential to preserving Maryland's culture of inclusion through these difficult times.

DRM urges the committee to support HB 1055 because establishing the Commission on Nondiscrimination is essential to preserving the rights and freedoms of all Marylanders. Please contact Courtney Bergan, Disability Rights Maryland's Equal Justice Works Fellow, for more information at CourtneyB@DisabilityRightsMd.org or (443) 692-2477.