

HB0868 Estates and Trusts - Interpretation of Wills - Evidence of Intent (Granny's Law)

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Support FAV

Written Testimony for the Maryland State Legislature

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Delegate Clippinger, Delegate Bartlett, and Members of the Committee,

I appreciate the opportunity to submit testimony in strong support of HB0868, known as "Granny's Law." This bill was inspired by a woman who designated in her will that funds should be used by beneficiaries to support initiatives that help improve health disparities in Black populations. As a pharmacist and expert in health disparities, I am providing evidence-based analysis on the critical need for this legislation and the existence of health disparities in Black Populations.

HB0868 -Granny's Law

Granny's Law allows a personal representative to ask the orphans' court to clarify a deceased person's will based on outside evidence of their true intentions. It also creates a legal assumption about what the deceased likely intended, which can be challenged. Additionally, it gives the representative the power to ask a beneficiary to show how they are using their inheritance. If specific wording is included in the will, the court must interpret it in a particular way.

Key Points Supporting HB0868

Black Adults have a lower life expectancy than non-Hispanic Whites. In 2022, life expectancy for Black Americans was almost 5 years less than non-Hispanic Whites (72.8 vs. 77.5, respectively). Heart disease, cancer, accidents, stroke, and COVID-19 were the top causes of death among Black Americans. (<https://minorityhealth.hhs.gov/blackafrican-american-health>)

- **Black Adults Experience Higher Rates of Chronic Disease**
 - Black Adults were 20% more likely to have diagnosed hypertension than non-Hispanic white adults. (<https://minorityhealth.hhs.gov/heart-disease-and-blackafrican-americans>)
 - In 2023, non-Hispanic Black adults were 30% more likely to have asthma and 2.5 times more likely to die from asthma-related causes compared to non-Hispanic white adults in 2023. (<https://minorityhealth.hhs.gov/asthma-and-blackafrican-americans>)
 - In 2023, non-Hispanic Black or African American adults were 1.4 times more likely than non-Hispanic white adults to be diagnosed with diabetes. In 2021, non-Hispanic Black or African Americans were 40% more likely than non-Hispanic whites to die from diabetes. (<https://minorityhealth.hhs.gov/diabetes-and-blackafrican-americans>)
 - Black/African Americans have lower 5-year cancer survival rates for most cancer sites than non-Hispanic whites. Black/African American females have similar rates of breast cancer incidence as non-Hispanic white females, but from 2018–2022 they were 40% more likely to die from breast cancer than non-Hispanic white females. (<https://minorityhealth.hhs.gov/cancer-and-blackafrican-americans>)

- Compared with non-Hispanic whites, AA with mental illness:
(<https://www.psychiatry.org/psychiatrists/diversity/education/mental-health-facts>)
 - Have lower rates of any mental health service (e.g. prescription meds, outpatient services)
 - Are more likely to go to emergency rooms or primary care than to a mental health specialists
 - Are less likely to be included in research
 - Are less likely to receive guideline consistent care
 - Black people are more likely than White people to face social and economic inequities that negatively impact health (<https://www.kff.org/policy-watch/how-recognizing-health-disparities-for-black-people-is-important-for-change/>)

Black Adults Face Economic Barriers

Proper estate planning and will interpretation can mitigate financial strain on Black families (<https://www.epi.org/blog/heirs-property/>), who are more likely to face economic hardship due to unexpected medical and long-term care costs (<https://www.nclc.org/resources/the-racial-health-and-wealth-gap/>).

Addressing Opponent Arguments

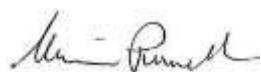
1. **Concern: "This bill increases the risk of will disputes and legal complications."**
 - FACT: The bill provides a structured process for interpreting wills based on demonstrable intent, reducing ambiguity and costly litigation.
2. **Concern: "There is no clear evidence that this law will improve estate outcomes for vulnerable populations."**
 - FACT: Data shows that Black families are disproportionately impacted by intestate succession laws, leading to loss of generational wealth and increased financial strain.
3. **Concern: "It will increase administrative burden on courts and personal representatives."**
 - FACT: Clear legal frameworks for will interpretation ensure smoother probate processes, reducing long-term legal costs for families.

Conclusion

Granny's Law is essential to ensuring that the original intent of estate donations is honored, particularly when designated to address critical health disparities. When funds meant to help marginalized communities are misused or redirected, the existing inequities in healthcare access and outcomes worsen. HB0868 is a necessary step in addressing the significant disparities affecting Black and underserved Marylanders. Ensuring equitable will interpretation will improve financial stability, reduce healthcare costs, and protect generational wealth. I urge the legislature to pass Granny's Law and support Maryland's most vulnerable residents.

Thank you for your time and consideration.

Sincerely,



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