



# Maryland Legislative Agenda for Women

## Presentation of Legislative Proposals for the 2020 Legislative Agenda

<b>Proposal</b>	<b>Presented by...</b>
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2. Teen Sexting	Senator Susan Lee, <i>Maryland Senate</i>
3. Sexual Solicitation of a Minor	Senator Susan Lee, <i>Maryland Senate</i>
4. Strangulation—First Degree Assault	Melissa Hoppmeyer, <i>Prince George's County State's Attorneys Office</i>
5. Protective Orders—Relief Eligibility – Rape and Sexual Offenses	Laure Ruth, <i>Women's Law Center of Maryland</i>
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14. Places of Accommodation—Pricing of Goods and Services (Pink Tax)	Michelle Siri, <i>Women's Law Center of Maryland</i>
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16. Correctional Services—Prerelease Unit for Women—Requirement to Operate	Monica Cooper, <i>Out for Justice</i>
17. Pregnant Incarcerated Continuity of Care Act 2020	Kimberly Haven, <i>NARAL Pro-Choice Maryland</i>
18. Educational Equity for Pregnant, Expectant, and Parenting Students Act	Nora Simmons, <i>NARAL Pro-Choice Maryland</i>
19. Accommodations for Limitations Caused by Pregnancy or Childbirth for State Employees	Michelle Siri, <i>Women's Law Center of Maryland</i>



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Working to end sexual violence in Maryland

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**Proposal to Maryland Legislative Agenda to Women (MLAW)  
2020 Session, November 23, 2019 Meeting**

Bill: Eliminate Marriage as a Defense to Sex Crimes

Bill Number: TBD (2019 bill: HB958)

Synopsis: A bill to repeal the law allowing marriage as a defense to sex crimes

Committees: House Judiciary and Senate Judicial Proceedings

Legislative Sponsor(s): Delegate Charlotte Crutchfield  
Senator TBA

Lead Group: Maryland Coalition Against Sexual Assault  
Lisae C. Jordan, Executive Director & Counsel  
443-995-5544

**This is a bill to repeal the current statute that makes marriage a defense to some sex crimes. Sexual Assault disproportionately affects women.**

Like many states, Maryland's laws were based on the premise that marriage was consent to sex and that, therefore, a man could not rape his wife. Unlike many states, Maryland has not yet firmly rejected that antiquated and fundamentally disrespectful concept.

Criminal Law §3-318 provides that marriage is a defense to certain sex crimes. We have made some progress: Spouses can be prosecuted for any sex crime if they have a limited divorce. Additionally, if the parties have been separate and apart and "without cohabitation" (meaning without having sexual relations) and they have been separated for three months or have a written separation agreement, then they can be prosecuted for sex crimes that are not based on age or capacity. Finally, if the rape involved actual force or threat of force, marriage is not a defense. For other sex crimes, marriage is a complete defense.

**Marriage should never be a defense to a sex crime.**

**The Maryland Coalition Against Sexual Assault appreciates MLAW's past support and advocacy for sexual assault survivors and respectfully asks that this bill be included on the 2020 Agenda.**

**Title: Teen Sexting**

Bill number: 0LR0604

One sentence synopsis: Decriminalizing/downgrading the narrow sharing of child pornography when the subject and distributor of such pornography is the same child.

Committee(s): Judicial Proceedings, Judiciary

Lead sponsor(s): Senator Susan Lee, Delegate David Moon

Lead sponsor phone: 410-841-3124 (Sen. Lee)

Lead group: Maryland Coalition Against Sexual Assault (MCASA)

Lead group contact: Lisae Jordan, Executive Director and Counsel, MCASA

Lead group contact email: lisae.jordan@gmail.com

**Describe the problem and how it relates to women:**

Sending and receiving sexts is a common practice among teenagers, with some data indicating that as many as 1 in 4 teenagers have interacted with a sext. With so many teenagers interacting with sexts, it is problematic that the State of Maryland considers children who digitally record and display themselves performing a sexual act to be in violation of Maryland's child pornography statute (*Criminal Law, § 11-207*). This issue was highlighted in the high-profile 2017 Maryland Special Court of Appeals decision in *Re: S.K.*, which involved a 16-year-old girl who filmed herself performing a sexual act on an adult and then shared the video with two friends. The Special Court of Appeals upheld a lower court ruling that found the juvenile, S.K., guilty of distribution of child pornography because the law contains no exception when the juvenile is both the subject and the distributor of the pornographic material. With so much teen sexting taking place this law is applied seemingly at random and criminalizes children, including many young women, for acts that are common and consensual.

**Described proposed solution and how it will benefit women:**

This bill would create nuance in the Code and distinguish between the narrow sharing pornography in which the subject and the distributor are the same child and the wide dissemination of child pornography. The wide dissemination and display of child pornography would remain an offense even if the subject and distributor of the pornography is a child because the wide display causes harm to the child, the child's future self and society. However, the narrow sharing of child pornography when the child is both the subject and distributor would be permissible. This nuance would prevent children, including many young women, from being prosecuted for narrowly sharing pornographic images of themselves, which is a common practice among teenagers.

**Summary of the proposed legislation:**

Decriminalizing/downgrading the narrow sharing of child pornography when the subject and distributor of such pornography is the same child.

**Was the bill introduced in prior session?**

No

**Title: Sexual Solicitation of a Minor**

Bill number: OLR1062

One sentence synopsis: Expands the definition of sexual solicitation of a minor to include the solicitation of the parent, legal guardian, or custodian of a minor, or a hypothetical minor, to consent to the participation of such a minor in sexual acts.

Committee(s): Judicial Proceedings

Lead sponsor(s): Sen. Susan Lee

Lead sponsor phone: 410-841-3124 (Sen. Lee)

Lead group: Maryland State Attorney's Association (MSAA)

Lead group contact: Joyce King, Chief Counsel, Frederick County State's Attorney's Office

Lead group phone and email: JKing1@statesattorney.us

**Describe the problem and how it relates to women:**

Sexual solicitation of a minor often occurs via that minor's parent or guardian. Currently, such solicitation is not prohibited by Maryland Code. Further, the current Maryland Code includes no provision prohibiting the solicitation of a minor when such a minor is hypothetical (*Criminal Law, § 3-324. Sexual solicitation of minors*). For example, under current law, a person may sexually solicit a hypothetical minor via what the solicitor believes to be the parent of a minor but if no such minor exists, the act is not prohibited. This hole in Code was highlighted by a decision handed down by the Maryland Court of Special Appeals in *Vaqar Choudry v. State of Maryland*. Choudry arranged via a third party to go to a motel room to engage in sexual relations with a prepubescent girl. However, because the prepubescent girl did not actually exist (the third party had instead notified the police), Chodhury was found not guilty. While the sexual solicitation of a hypothetical minor has no immediate victim, such solicitation increases the likelihood of actual child rape and should be treated as seriously as sexual solicitation of an actual minor.

**Describe the proposed solution and how it will benefit women:**

The legislation would close the loopholes mentioned in the section above in order to deter and more easily prosecute the actual and the attempted sexual solicitation of a minor in Maryland. The victims of sexual solicitation and child rape include many young women, and this legislation seeks to close loopholes that allow sexual predators to escape prostitution.

**Summary of the proposed legislation:**

The proposed legislation expands the existing Code (*Criminal Law, § 3-324. Sexual solicitation of minors*) to affirmatively prohibit the sexual solicitation of a minor, or hypothetical minor, via a parent, guardian, or custodian. The proposed bill also doubles the maximum penalties for the second offense of sexual solicitation of a minor from not to exceed 10 years in prison to not to exceed 20 years in prison and from a fine not to exceed \$25,000 to a fine not to exceed \$50,000.

**Was the bill introduced in prior session?**

No.

**Title: Strangulation - First Degree Assault**

Bill number: 0lr0807, CF 0lr812

One sentence synopsis: Decreasing the risk of femicide by designating intentional suffocation and strangulation as Assault in the First Degree.

Committee(s): Judicial Proceedings, Judiciary

Lead sponsor(s): Senator Susan Lee, Delegate Jesse Pippy, Delegate Vanessa Atterbeary

Lead sponsor phone: 410-841-3124 (Sen. Lee)

Lead group: Maryland State Attorney's Association (MSAA)

Lead group contact: Joyce King, Chief Counsel, Frederick County State's Attorney's Office

Lead group contact email: JKing1@statesattorney.us

**Describe the problem and how it relates to women:**

Non-fatal strangulation is one of the most significant risk factors for femicide. Studies have shown that prior non-fatal strangulation is associated with a six-fold increase in the chances of attempted homicide and a seven-fold increase in the chances of completed homicide.

**Describe the proposed solution and how it will benefit women:**

Under current law, suffocation and strangulation is classified as Assault in the Second Degree (*Criminal Law §3-203*), which puts such offenses in the same legal category as a slap. This bill would reclassify suffocation and strangulation as Assault in the First Degree (*Criminal Law §3-202*.) The measure creates nuance in the Code and recognizes that suffocation and strangulation, which are heinous in their own right and a red-flag of future and more extreme violence against women, are to be treated as a serious form of assault.

**Summary of the proposed legislation:**

The bill redesignates intentional suffocation and strangulation from Assault in the Second Degree (*Criminal Law §3-203*) to Assault in the First Degree (*Criminal Law §3-202*).

**Was bill introduced in prior session?**

No.

2019 Fall Agenda Conference – Issue Proposal

**Title of Bill:** Protective Orders – Relief Eligibility – Rape and Sexual Offense

**Bill Number:**

**Synopsis:** Amending the definition of person eligible for relief in a protective order (PO) to include a victim of rape or sexual offense and removing it from the peace order to clarify that a victim of a rape or sexual offense is eligible for a PO, rather than a peace order.

**Committee assignment:** Judiciary and Judicial Proceedings

**Lead Sponsors:** Del Atterbeary and Senators Waldstreicher and West

**Lead Sponsor phone numbers:** Del Atterbeary – 410.841.3471  
Sen Waldstreicher: 410.841.3137  
Sen West: 410.841.3648

**Lead Group:** House of Ruth Maryland

**Lead Group Contact:** Dorothy Lennig

**Lead Group Contact Phone and Email:** 410.274.7773 (cell) and [dlennig@hruthmd.org](mailto:dlennig@hruthmd.org)

**Problem and how it relates to women:** For many years, domestic violence and sexual assault advocates have worked to have protective orders cover victims who were in dating relationships and victims of sexual assault. One of our first attempts to add this resulted in the creation of the peace order. While these acts were covered by the PO, many victims were not eligible for a PO because of their relationship to the abuser. In 2015, the law changed to include victims in sexual relationships. Since then there have been a number of judges who believe rape victim, including date and acquaintance rape victims, do not qualify for a PO because the parties were in a “relationship.”

**Proposed solution and how it will benefit women:** Currently some judges believe that not all rape and sexual assault victims qualify for a PO because, although the act of abuse involves sexual contact, the parties are not “in a relationship.” By clarifying that this group of victims is eligible for a PO, it provides them with the special protections of a PO that are not include in peace orders, e.g. longer order, removal of firearms, more robust response by law enforcement.

**Summary of proposed legislation:** Amend the definition of persons eligible for relief in a protective order to include victims of a rape or sexual offense or attempted rape or sexual offense and remove them from the peace order to clarify that these victims are eligible to receive all of the protections of a PO rather than a peace order.

## MLAW 2019 Fall Agenda Conference— Issue Proposal Form

**Bill Title:** Expansion of Maryland’s Vacatur Law for Survivors of Human Trafficking

**Bill Number (if known):** TBD

**One Sentence Synopsis of the Bill:** Expanding Maryland’s current “vacating convictions” law to allow criminalized survivors of human trafficking to remove crimes *other than* prostitution from their criminal records would significantly increase the ability of these survivors to access to employment and stable housing, as well as heal from the trauma of their trafficking experience.

**Committee(s) Assigned:** Senate Judicial Proceedings  
House Judiciary

**Lead Bill Sponsor(s):** Senator Susan Lee & Delegate Vanessa Atterbearly

**Lead Advocacy Group (name, contact person, email, phone):**

Human Trafficking Prevention Project  
Contact Name: Jessica Emerson  
Email: jemerson@ubalt.edu  
Phone: (410) 837-4566

**Describe the Problem and How It Relates to Women:**

Victims of human trafficking, a significant portion of whom are female-identified, are commonly forced to engage in various criminal acts by their traffickers. Survivors who are arrested and convicted for crimes they were forced to commit often experience difficulties obtaining safe housing and gainful employment, which in turn keeps them trapped in poverty and vulnerable to continued exploitation.

**Describe Your Proposed Solution and How It Will Benefit Women:**

Although Maryland law already allows survivors of sex trafficking to vacate, or, set aside prostitution convictions stemming from their trafficking experience, prostitution is only one of many crimes these survivors are commonly forced to commit. Under Maryland's current “vacating convictions” law, only prostitution convictions are eligible for vacatur. As a result, the number of survivors able to access this form of legal relief is low, while the need for legal relief remains high. Additionally, the singular focus on prostitution convictions means that criminalized survivors of labor trafficking are completely ineligible for relief. Survivors who are unable to access this form of relief continue to experience stigma as well as difficulties reintegrating back into society following their victimization.

**Provide a Summary of Your Proposed Legislation:**

This proposed change in law will expand Maryland's current “vacating convictions” law to apply explicitly to survivors of labor trafficking, expand the number of crimes eligible for vacatur, and eliminate the requirement that the State’s Attorney consent to the motion prior to filing. Without these changes, Maryland's vacatur law will continue to leave a large number of survivors without the legal relief they so desperately need to heal from the trauma of their exploitation and become productive members of their communities. Criminalized survivors in Maryland deserve access to legal relief that reflects their lived experiences and that provides them access to the stability and independence they deserve.

**Do not exceed one page.**

**2019 Fall Agenda Conference—Issue Proposal Form**

**Title of Your Bill:** Background Checks for all Gun Sales in Maryland

**Bill Number:** Not yet assigned

**One sentence synopsis of the bill:** This bill would close a loophole in Maryland law to require a background check on all gun sales.

**Committee(s) bill is assigned to:** Judiciary/JPR

**Lead Legislative Sponsor(s):** Delegate Vanessa Atterbeary

**Lead Sponsor(s) Phone Number:** (410) 841-3471, (301) 858-3471

**Lead Group:** Moms Demand Action for Gunsense in America, Maryland Chapter

**Lead Group Contact:** Caroline Broder

**Lead Group Contact Phone and Email:** 703-507-1081/brodercaroline@gmail.com

**Describe the problem and how it relates to women:** More than half of female victims of intimate partner homicide in the US are killed with a gun. In an average month, 52 American women are shot to death by an intimate partner, and many more are injured.

The mass shooting at the Capital Gazette was a tragic reminder that a shotgun can be every bit as deadly as a handgun. The shooter used a pump-action shotgun to kill five people and injure two others. Many people have been killed with rifles and shotguns in Maryland in recent years. Between 2013 and 2017, long guns were used in at least 30 reported murders in Maryland. This is a threat to public safety for **all** Marylanders.

**Describe your proposed solution and how it will benefit women:** The bill would help keep rifles and shotguns out of the hands of people with dangerous histories. This would benefit the safety of all Marylanders.

**Provide a summary of your proposed legislation:** Maryland law prohibits the possession of any firearms—including handguns, rifles and shotguns—by people with dangerous histories, including people who have been convicted of crimes of violence, domestic abusers, and those who have been made subject to an Extreme Risk Protection order because they pose a danger to themselves or others.

Maryland law currently enforces these prohibitions by requiring a background check for all handgun sales—including sales by unlicensed sellers. But there is no such requirement for unlicensed sales of rifles and shotguns. That means that a convicted felon, domestic abuser, or any other prohibited person can avoid a background check simply by buying a rifle or shotgun from an unlicensed seller they meet online or at a gun show.

The bill would close this dangerous loophole by requiring that purchasers undergo a background check regardless of what type of gun they're purchasing and who they're purchasing it from.

**If the bill was introduced in a prior year, please include a copy of last year's bill with this form. (see attached)**



Title of Your Bill: Labor and Employment – Salary History Information Disclosures

Bill Number: N/A

One sentence synopsis of the bill: This bill will ensure women and people of color aren't forced to carry lower earnings and pay discrimination with them from job to job by prohibiting employers from seeking and relying on job applicants' salary history and by requiring employers to provide the salary range for a position upon a job applicant's request.

Committee(s) bill is assigned to: House Economic Matters; Senate Finance

Lead Legislative Sponsor(s): Delegate Karen Lewis Young; Senator Susan Lee

Lead Sponsor(s) Phone Number: 410-841-3436 (Rep. Young); 410-841-3124 (Sen. Lee)

Lead Group: National Women's Law Center

Lead Group Contact: Andrea Johnson, Director of State Policy

Lead Group Contact Phone and Email: 202-319-3041; [ajohnson@nwlc.org](mailto:ajohnson@nwlc.org)

**Describe the problem and how it relates to women:**

"What is your current or prior salary?" is a question that many job applicants dread, with good reason. Employers' use of this information in the hiring process forces women and, especially women of color, who face conscious and unconscious discrimination and, consequently, are paid lower wages, on average, than white, non-Hispanic men, to carry lower earnings and pay discrimination with them from job to job. And job applicants who reduced their hours or left their prior job for several years to care for children or other family members are also penalized when employers set compensation based on their prior salaries which are not reflective of existing labor market conditions or applicants' current qualifications.

Likewise, when an employer asks a job applicant what his or her salary expectations are without providing the applicant any information about the rate of pay for the position, women lose out. Women often ask for less when they negotiate than men, even when they are otherwise equally qualified. But studies show that when job applicants are clearly informed about the context for negotiations, including the types of compensation and benefits, women are more willing to negotiate and more successful, and gender wage gaps are reduced.

**Describe your proposed solution and how it will benefit women:**

When Black women in Maryland are typically paid only 69 cents on the dollar paid to white, non-Hispanic men and Latinas are paid only 46 cents—the 4<sup>th</sup> largest wage gap for Latinas in the country—Maryland has an urgent obligation to Maryland women, Maryland families, and the Maryland economy to use all the tools we can muster to close the wage gap. Women and families literally cannot afford to wait any longer.

Stopping the practice of relying on salary history has been shown to narrow wage gaps. Since 2016 Delaware, Massachusetts, Connecticut, Vermont, New Jersey, New York, Maine, Illinois, Colorado, Washington, California, Oregon, and Hawai'i and localities from New York City to Louisville, KY, have passed legislation prohibiting employers from relying on salary history. Maryland is long overdue to join this movement and pass this simple, straightforward protection.

**Provide a summary of your proposed legislation:**

This bill will prohibit employers from seeking and relying on job applicants' salary history in considering an applicant for employment or in determining their wages. It will also require employers to provide the salary range for a position to a job applicant upon request.

**Title of Bill:** Maryland Child Tax Credit

**Bill Number:** LR392 (official bill number TBD)

**One Sentence Synopsis of the Bill:** This bill would create a state income tax credit for low- and moderate-income families with children.

**Committee Bill is assigned to:** TBD – most likely the Ways and Means Committee

**Lead Legislative Sponsor:** Delegate Julie Palakovich Carr

**Lead Sponsor Phone Number:** (410) 841-3037

**Lead Group:** Maryland Family Network

**Lead Group Contact:** Clinton Macsherry

**Lead Group Contact Phone and Email:** [cmacsherry@marylandfamilynetwork.org](mailto:cmacsherry@marylandfamilynetwork.org), (410) 370-9429

**Describe the problem and how it relates to women:** Thirteen percent of kids age 0 to 5 in Maryland are growing up in poverty. Research shows that this negatively impacts their development in childhood and adulthood. The federal Child Tax Credit used to be an important tool in assisting low- and moderate-income families with a sizable annual tax credit for each child under the age of 17. However, Congress made significant changes to the program in 2017. Most notably, the federal reforms excluded the lowest income families—those making less than \$2,500 per year—from receiving the tax credit at all. Moreover, now only a portion of the federal tax credit is refundable, whereas previously, 100 percent of the tax credit was refundable. This change disproportionately impacts low-income families and prevents them from receiving their full tax credit. This is especially harmful to single mothers and households where women are the primary earners, as well as all women with children.

**Describe your proposed solution and how it benefits women:** By creating a state tax credit that supplements the federal Child Tax Credit, we can lift thousands of families out of poverty now and provide a better future for these children. For instance, one study found that boosting a low-income family's income by \$3,000 per year until a child's sixth birthday translates into a 17 percent average increase in adult earnings for that child. Moreover, the National Academy of Sciences recommended expanding the Child Tax Credit as a cornerstone of its 2019 plan to cut the child poverty rate in half in the United States.

**Provide a summary of your proposed legislation:** This bill would create a state Child Tax Credit to act as a supplement to the federal Child Tax Credit, thereby ensuring that low- and middle-income families receive the full benefit of the tax credit. Under our proposed bill, the state would make up the difference of whatever portion of the tax credit the federal government does not provide to a family. For instance, if a taxpayer receives \$2,000 from the federal government, they would receive \$0 from the state. However, if the taxpayer received \$1,400 from the federal government, they would receive the remaining \$600 from the state of Maryland. The state tax credit would be offered to single filers with an income of \$50,000 or less and joint filers with an income of \$75,000 or less. For families with higher incomes, the state tax credit would step down incrementally until it is fully phased out at \$68,001 or \$102,001 (single vs. joint filers) in income. In order to cap the cost of the state program, only children who are age 0 to 5 or age 0-16 with a physical, intellectual, developmental, or emotional disability would qualify.

## MLAW Proposal – Time to Care: Family and Medical Leave Insurance (FAMLI) Program

**Name:** Time to Care: Family and Medical Leave Insurance (FAMLI) Program

**Bill Number:** TBD

**One sentence synopsis:** This legislation establishes a family and medical leave insurance fund to provide partial wage replacement for employees who take leave to care for a new child, a family member with a serious health condition, their own serious medical condition, or a family member's military deployment.

**Committee:** Finance & Economic Matters    **Lead Legislative Sponsor:** Del. Ariana Kelly (410-841-3672)  
**Lead Group:** Maryland Family Network    **Lead Group Contact:** Clinton Macsherry (410-370-9429)

**Describe the problem and how it relates to women:** Many Marylanders can't take time to care because they lack paid family leave. While the Federal Family and Medical Leave Act (FMLA) provides *unpaid* leave and job protection to employees who work for businesses that employ 50 or more individuals, only 17% of U.S. workers have access to *paid* family leave and fewer than 40% have paid personal leave for short-term disabilities.

Families are dependent on working women. In Maryland, 79% of mothers are in the workforce. Nearly 25% of women take 10 or fewer days of parental leave, potentially putting themselves and their children at risk physically and emotionally. Both women and men are responsible for caregiving for elderly and ill relatives (although this burden disproportionately falls on women). The lack of a paid family and medical leave system leads to economic instability, particularly for women, and is also a major contributor to the wage gap between women and men, and women's financial vulnerability as they age.

**Describe your proposed solution:** Establishment of a family//medical leave insurance program which allows employees to take up to 12 weeks of paid leave under certain circumstances. This program mirrors those already in place in eight other states and Washington, D.C., and builds on legislation passed in Maryland in 2018 which established a parental leave benefit for state employees and the work of the Task Force to Study Family and Medical Leave Insurance.

**Provide a summary of your proposed legislation:** The "Time to Care Act" establishes a Family and Medical Leave Insurance (FAMLI) program through which employees may take up to 12 weeks of paid leave from their jobs to care for new children, other family members with serious health conditions or disabilities, or themselves. Wage replacement will be provided during the leave period ranging from \$50 to \$1000 per week and drawn from a fund pool into which employers and employees contribute. Contributions are mandatory and calculated based on the employee's wages. Experience from other states suggests that the shared contribution will total approximately 0.5% of the employee's wages. In general, the amount received by low-income employees reflects a higher percentage of their total wages.

An employee is eligible for FAMLI benefits if the employee:

- is caring for a newborn, adopted or foster care child;
- is caring for a family member with a serious health condition or disability;
- has a serious health condition that makes the employee unable to perform his or her job;
- is caring for a military service member who is next of kin; or
- has a specified need resulting from the military deployment of a family member.

For more information, please visit [timetocare.net](http://timetocare.net).

Similar legislation, "Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2019)" was introduced in the 2019 Session and was selected as an MLAW priority.

## 2019 Fall Agenda Conference—Issue Proposal Form

(You may re-create this form on a separate Word doc. Make sure to include all fields and answer completely.)

Do not exceed one page in length.)

Title of Your Bill: Child Care Subsidy - Working Family Act

Bill Number: \_\_\_\_\_

One sentence synopsis of the bill: Enhance child care subsidy program in Maryland to provide subsidies on a progressive scale to cap eligibility based on percentage of family income, not

Committee(s) bill is assigned to: \_\_\_\_\_

Lead Legislative Sponsor(s): Delegate Pam Queen

Lead Sponsor(s) Phone Number: 301 858-3380

Lead Group: National Women's Law Center

Lead Group Contact: Shana Bartley ; Catherine White

Lead Group Contact Phone and Email: sbartley@nwlc.org Cell: (240)271-9502 ; cwhite@nwlc.org

**Describe the problem and how it relates to women:**

Access to high-quality child care encompasses both availability and affordability, and families across the country struggle with both. For many parents, child care of any kind is unaffordable. In some states, the average cost of care exceeds the cost of housing or college tuition . While the U.S. Department of Health and Human Services defines “affordable child care” as no more than 7% of a family’s income, most families pay much more. One in three families spends at least 20% of their income on care for one child. Single- parent families spend an average of 35%. Parents of infants and toddlers face the highest costs. Many women are head of households who need additional support.

**Describe your proposed solution and how it will benefit women:**

Enhance Maryland's child care subsidy program to become a sliding scale which sets caps on subsidies based on percentage of family's income. Seeks to incorporate child care subsidy goals aligned with federal guidelines. This bill supports working families, especially woman who are head of household.

It is projected that in late 2022, all Maryland families could be eligible for some subsidy, and with this bill a cap would be placed on what percentage of their income can go towards paying for child care versus family size and income.

**Provide a summary of your proposed legislation:**

The Child Care for Working Families Act would address the current early learning and care crisis by ensuring that no family under 150 percent of state median income pays more than seven percent of their income on child care. Families would pay their fair share for care on a sliding scale, regardless of the number of children they have. Families under 75 percent of the state median income will not have to pay anything at all.

**If the bill was introduced in a prior year, please include a copy of last year’s bill with this form.**

## 2019 Fall Agenda Conference—Issue Proposal Form

(You may re-create this form on a separate Word doc. Make sure to include all fields and answer completely.

Do not exceed one page in length.)

Title of Your Bill: Equal Pay for Equal Work – Inquiring About Wages – Prohibition on Adverse Action

Bill Number: LR 743 (2020)

One sentence synopsis of the bill: Clarifies existing law to ensure women are not retaliated against for inquiring about their salary in comparison to other employees.

Committee(s) bill is assigned to: \_\_\_\_\_

Lead Legislative Sponsor(s): Delegate Pam Queen

Lead Sponsor(s) Phone Number: 301 858-3380

Lead Group: Public Justice Center

Lead Group Contact: Sally Dworak-Fisher and David Rodwin >

Lead Group Contact Phone and Email: RodwinD@publicjustice.org dworak-fishers@publicjustice.org  
410.625.9409 ext. 249

**Describe the problem and how it relates to women:**

The problem, as current law is interpreted, there is confusion about potential retaliatory actions of an employee inquiring about her wages or another employee's wages; current law only protects that employee from retaliation by her employer if she asked about another employee's wages. That creates a bad and confusing result: if an employee asks about a coworker's wages, she's protected from retaliation. But if that same employee asks about her own wages (e.g., asks for a raise so that her pay matches that of her male colleagues, or asks whether she is receiving compensation for time she works on weekends, or any one of a number of other scenarios), she is not protected from retaliation such as termination

**Describe your proposed solution and how it will benefit women:**

The bill adds clarifying language to the Labor and Employment Statute, section 3-401.1(a)(3)(i) so that the subsection reads "inquiring about the employee's or another employee's wages." is not subject to retaliatory action.

**Provide a summary of your proposed legislation:**

Insert clarifying language to the Section 3-401 for the Labor and Employment Article.

If the bill was introduced in a prior year, please include a copy of last year's bill with this form.

**MLAW 2019 Fall Conference – Issue Proposal Form**

**Title of Bill:** Worker’s Rights Act of 2020; **Bill Number:** TBD

**One sentence synopsis of the bill:** This bill helps ensure that Maryland workers receive wages and leave they have earned by (1) prohibiting retaliation against employees who make good faith inquiries or complaints about wages; (2) prevents employers from misclassifying workers as independent contractors and (3) requires employers to print basic information they are already tracking about employee wages and hours on employees’ paystubs.

**Committee(s) bill is assigned to:** House Economic Matters and Senate Finance (expected)

**Lead Legislative Sponsor(s):** Delegates Lorig Charkoudian and Brooke Lierman (Senate sponsor pending)

**Lead Legislative Sponsor(s) Phone Number:** Lorig Charkoudian: 410-841-3423. Brooke Lierman: 410-841-3319

**Lead Group:** Public Justice Center; **Lead Group Contact:** Monisha Cherayil

**Lead Group Contact Phone and Email:** 410-625-9409 x. 234, [cherayilm@publicjustice.org](mailto:cherayilm@publicjustice.org)

**Describe the problem and how it relates to women:**

With the recent enactment of earned sick leave and increasing the minimum wage, the General Assembly has made critical progress towards achieving fairness and safety within Maryland workplaces. Further action is required, however, to ensure that these bedrock protections do not exist only on paper and represent a reality for every worker in our state. Unfortunately, under current law, a minority of unscrupulous employers can and do deprive workers of their basic rights – and undercut the success of their law-abiding competitors – by sidestepping the law in several ways:

- When employers retaliate against employees who assert their right to be paid the minimum wage, overtime, and other lawfully-earned wages, those bad actors get away without paying these wages at all. Employees are afraid of retaliation and often stay silent, even if it means working without sufficient pay, if they know that speaking up will cost them their job.
- Employers who purposefully misclassify their employees as independent contractors avoid paying required wages, unemployment insurance and payroll taxes. Misclassification deprives employees of their earnings, the state of its revenues, and puts the majority of good employers at a competitive disadvantage.
- When employers fail to provide employees with proper paystubs, it can mask the employer’s violations of federal and state wage laws. Employees who receive paystubs that state only a lump sum, have no way of knowing whether they have been paid for all the hours they’ve worked at the correct rate or whether or not proper taxes were withheld.

These practices impact a wide range of workers, but women workers are particularly at risk. **Women, especially women of color are significantly more likely than men to experience minimum wage violations in the workplace**, for example. In addition, misclassification is rampant in industries whose workforces are dominated by women, including home health care and domestic services. Women are also more likely than men to be the primary caretakers for their children and their parents and thus stand to suffer in particular when unscrupulous employers deny them earned sick leave, and then mask that misconduct through the provision of incomplete or misleading paystubs.

**Describe your proposed solution and how it will benefit women:**

This bill helps ensure that Maryland workers receive wages and leave they have earned by:

- Creating meaningful protections from retaliation for employees who make good faith inquiries or complaints about whether they are receiving the correct pay;
- Preventing employers from misclassifying workers as independent contractors when, in reality, they are employees who are not in business for themselves; and
- Making paystubs transparent, so that they contain basic information about hours and wages necessary to allow employees to determine if they have received proper compensation.

**Because women are more likely than men to face deprivations of their wages, and to suffer harm resulting from the denial of leave time, they will benefit from the reforms included within this legislation.**

## 2019 Fall Agenda Conference—Issue Proposal Form

(You may re-create this form on a separate Word doc. Make sure to include all fields and answer completely.

Do not exceed one page in length.)

Title of Your Bill: Places of Public Accommodation – Pricing of Goods and Services

Bill Number: Unknown

One sentence synopsis of the bill: This bill will prevent retailers and service providers from charging more for their goods and services that are marketed towards women than they would for substantially similar items marketed towards men.

Committee(s) bill is assigned to: \_\_\_\_\_Unknown\_\_\_\_\_

Lead Legislative Sponsor(s): \_\_\_\_\_Delegate Erek Barron\_\_\_\_\_

Lead Sponsor(s) Phone Number: 410-841-3692

Lead Group: The Women's Law Center of Maryland\_\_\_\_\_

Lead Group Contact: \_\_Michelle Siri

Lead Group Contact Phone and Email: 410-321-8761 msiri@wlcmd.org

**Describe the problem and how it relates to women:** On average, women can expect to pay 13% more for personal care products and 8% more for adult clothing than men do for substantially similar products. In fact, studies show that products marketed towards women cost more 42% of the time. This phenomenon of gender based pricing is known as the "Pink Tax". It is a discriminatory practice that compounds the already existing pay disparity problems women see across sectors.

**Describe your proposed solution and how it will benefit women:** This bill will prohibit both retail operators and service providers from charging women more than they charge men for substantially similar goods and services. This means that a store cannot sell a product that they've identified as a woman's product for a higher price than the same product marketed towards men. By charging women the same price as men for the same products and services, we will be taking a step towards economic equality.

**Provide a summary of your proposed legislation:** The bill states that retailers and service providers may not sell any two consumer products from the same manufacturer that are substantially similar if the products are priced differently based on the gender of the individuals for whose use the products are intended or marketed. Further, service providers may not offer any services that are substantially similar if the services are priced differently based on the gender of the individuals for which the services are performed. Substantially similar means the materials used in the product, the intended uses of the product, and the functional design/features of the product are the same. Substantially similar may include two consumer products for which the only substantial difference is color.

If the bill was introduced in a prior year, please include a copy of last year's bill with this form.

## 2019 Fall Agenda Conference—Issue Proposal Form

(You may re-create this form on a separate Word doc. Make sure to include all fields and answer completely.)

Do not exceed one page in length.)

Title of Your Bill: Family Law - Marriage - Age Requirements

Bill Number: N/A - Filed last session as HB1147

One sentence synopsis of the bill: Raising the age of marriage from its current age of 15 to 17, and strengthening judicial oversight to protect minors.

Committee(s) bill is assigned to: Judicial Proceedings and Judiciary

Lead Legislative Sponsor(s): Delegate Atterbeary and Senator Elfreth

Lead Sponsor(s) Phone Number: 410-841-3471/410-841-3578

Lead Group: Tahari Justice Center

Lead Group Contact: Jeanne Smoot

Lead Group Contact Phone and Email: jeanne@tahirih.org

**Describe the problem and how it relates to women:**

Child marriage denies young people more than the right to decide if, when, and whom to marry - it denies them the opportunity to lead healthy and fulfilling lives. Specifically relating to young women it also puts them in a dangerous place to be highly susceptible to verbal and physical abuse. Every indicator - from educational attainment, to employment outcomes, to health, to rates of domestic violence, to divorce outcomes - suggests that men and women should wait until 18 to marry. Despite being a progressive state, Maryland lags behind as we have the lowest marriage age floor of our surrounding states. This is the fifth year the bill is being introduced. We are confident that 2020 being the year of the woman, with the most diverse freshman class in the history of the General Assembly, and with MLAW's support, we will at long last successfully raise the age of marriage.

**Describe your proposed solution and how it will benefit women:**

Our proposed solution is to raise the age of marriage from 15 to 17 and strengthen judicial oversight over the process. Specifically relating to young women it also puts them in a dangerous place to be highly susceptible to verbal and physical abuse. Every indicator - from educational attainment, to employment outcomes, to health, to rates of domestic violence, to divorce outcomes - suggests that men and women should wait until 18 to marry.

**Provide a summary of your proposed legislation:**

Raising the age of marriage from its current age of 15 to 17, and strengthening judicial oversight to protect minors.

**If the bill was introduced in a prior year, please include a copy of last year's bill with this form.**



## 2019 Fall Agenda Conference—Issue Proposal Form

(You may re-create this form on a separate Word doc. Make sure to include all fields and answer completely. Do not exceed one page in length.)

**Title of Your Bill:** - Correctional Services – Prerelease Unit for Women –Requirement to Operate

**Bill Number:** TBD

**One sentence synopsis of the bill:** There countless Free-standing pre-release centers in the community currently help men reintegrate into society, but not women. Women in pre-release status at (MCIW) are currently housed in a maximum security unit with zero to no re-entry services.

Committee(s) bill is assigned to: TBD

Lead Legislative Sponsor(s): Delegate Crutchfield and Senator Mary Washington

Lead Sponsor(s) Phone Number: \_\_\_\_\_

Lead Group: Maryland Coalition for Women Prisoners (Out for Justice, Maryland Justice Project, ACLU of Maryland, Job Opportunities Task Force, MD Prisoner's Rights Coalition for Girls)

Lead Group Contact: Monica Cooper

Lead Group Contact Phone and Email: 443-462-6924/monicac169@gmail.com

**Describe the problem and how it relates to women:**

This is a title IX issue. The incarcerated male population are able to receive re-entry services such as family reunification, employment, extended housing, addictions counselling, and so much more. While on the other hand the incarcerated female population are unable to receive such assistance because they have zero Pre-Release Centers.

**Describe your proposed solution and how it will benefit women:** We Propose a Pre-release Center be provided for the over 200 eligible women. The benefit of having this standalone center would allow women to get the help they need before returning to the community. Women have been victims of sex trafficking, abuse and they face countless challenges that men do not face. Up to 70% of women released are mothers and without the tools they need they are unable to provide stable environment for their children. Women are in greater need of a Pre-release Unit, its needed

**Provide a summary of your proposed legislation:** The legislation simply ask for the Department of Corrections to Provide a standalone Pre-release Unit for Women

**If the bill was introduced in a prior year, please include a copy of last year's bill with this form.** The bill was introduced last year and is attached to this form

## 2019 Fall Agenda Conference—Issue Proposal Form

**Title of Your Bill:** Pregnant Incarcerated Continuity of Care Act 2020  
**Number:** N/A  
**Committee(s) bill is assigned to:** N/A  
**Lead Legislative Sponsor(s):** Senator Chris West(R) District 42 Baltimore County  
Delegate Wanika Fisher (D) District 47B – Prince George’s County  
**Lead Sponsor(s) Phone Number:** (410) 841-3648 (Senator West) / (410) 841-3340 (Delegate Fisher)  
**Lead Group:** Reproductive Justice Inside/NARAL ProChoice MD  
**Lead Group Contact:** Kimberly Haven/Diana Philip  
**Lead Group Contact Phone and Email:** (443) 869-2970 (443) 987-3959 kim@rjinside.org

**One sentence synopsis of the bill:** *This bill will ensure that pregnant incarcerated women are provided and afforded continuity of pregnancy related healthcare, appropriate substance abuse and mental health treatment in the community through a coordinated reentry plan developed by correctional staff to include: social worker, health care provider, transition coordinator and/or case manager.*

**Describe the problem and how it relates to women:** *The increase in the number of women who are entering our correctional facilities continues to rise and outpace that of men. This includes an alarming increase in the rate of women who are pregnant. These women generally will have had little to no access to health care prior to their intake and it is often during the intake process where some women will find out that they are pregnant. We know too that some these women will have a history of substance use. There have been countless studies find that women who use substances during pregnancy have elevated risk of early birth, babies with lower birth weights, and more problems during labor and delivery. Opioid withdrawal during pregnancy is associated with miscarriage, premature delivery, and other serious complications. These women will be released back into the community without any linkages to community-based healthcare for her pregnancy related healthcare or treatment which places her at increased risk for high risk pregnancy issues and relapse. This makes the continuity of pregnancy related healthcare a critical issue.*

**Describe your proposed solution and how it will benefit women:** *Our proposed legislation will ensure that pregnant incarcerated individuals will be able to access critical pregnancy related healthcare and provided continuity of care in the community when she is released through a coordinated and implemented reentry and referral plan. This legislation presents an opportunity to allow proper assessment of anything that could contribute to a high risk pregnancy, such as substance use, mental health, HIV status, that receiving appropriate healthcare and assessment, no matter how long the period of confinement is, and coordination of continued care upon release will lead to improved pregnancy outcomes. This effort is good risk management for our correctional facilities and jurisdictions.*

**Provide a summary of your proposed legislation:** *Proposed legislation would address this by requiring that ALL state and local facilities conduct the proper assessments mandated by HB 116 (2019 Opioid Use Disorder Examinations and Treatment) for substance use and the offering of medication-assisted treatment for any pregnant woman regardless of what jurisdiction she is incarcerated in and no matter how long she is confined. It requires that all facilities and correctional agencies, prior to her release, provide follow-up pregnancy related healthcare, treatment and care coordination after release by:*

- *All facilities and correctional agencies shall engage state Medicaid agencies to facilitate coverage and shall make sure that she is enrolled in a qualified health insurance plan and that her coverage is in force no later than 24 hours after her release*
- *She is referred to a health care provider/clinic that offers specialized services for pregnant and postpartum women in the jurisdiction where she resides to continue her pregnancy-related healthcare*
- *She is referred to community-based mental health and substance use professionals for medication continuity*
- *She is provided either on electronic disk or a complete copy of her medical records no later than 24 hours after her release to provide to her community-based health care providers*

*Continuity of care referrals to local resources shall be in the jurisdiction where the individual will reside.*

## 2019 Fall Agenda Conference—Issue Proposal Form

Title of Your Bill: The Educational Equity for Pregnant, Expectant, and Parenting Students Act

Bill Number: N/A

One sentence synopsis of the bill: A bill to support the educational, health and parenting goals of youth in Maryland public schools through the mandate of specific school-based accommodations related to pregnancy and parenting, and the creation of a state-wide data collection mechanism on the educational outcomes of pregnant, expectant and parenting students.

Committee(s) bill is assigned to: N/A

Lead Legislative Sponsor(s): Delegate Alice Cain, Anne Arundel County, District 30A

Lead Sponsor(s) Phone Number: (410)-841-3211

Lead Group: NARAL Pro-Choice Maryland

Lead Group Contact: Diana Philip

Lead Group Contact Phone and Email: (443)-869-2970 diana@prochoicemd.org

### Describe the problem and how it relates to women:

According to the CDC, in 2017, approximately 750 youth age 17 and under gave birth in Maryland, with an additional 1,952 births for individuals between 18-19 years of age. Pregnant and parenting teens are at high risk for school pushout, which means that nearly 2,000 young families across the state may not complete their education or participate fully within Maryland's economy. Current systems for tracking student educational outcomes in Maryland may not record all instances of pregnant and parenting student drop-out or push-out, as students may drop-out or relocate without informing school officials. Such events can trigger economic instability, which has the potential to impact families intergenerationally. Nearly two-thirds of families formed by teen mothers live in poverty, with nearly one in four enrolling in welfare benefits after the birth of the first child. Lower graduation rates affect not only the individual well-being of teenage mothers but also negatively affect our economy as opportunities for meaningful participation in the workforce is diminished. Preliminary research conducted by NARAL Pro-Choice Maryland suggests that very few secondary schools in Maryland have programming or policies in place to support teen parents navigate their education and health.

### Describe your proposed solution and how it will benefit women:

Not only is equitable access to education an important factor in achieving economic security, but this allows young mothers to parent with dignity, in safety, and in good health. By increasing in-school support services and accommodations to this student population, and collecting data on the impact of pregnancy on educational achievement, we can ensure that all Maryland students have equitable access to education and the support that they need to meet their academic and parenting goals. Providing school-based accommodations and tracking educational outcomes will give students the support to finish their degree, and help educators better understand the academic needs of this population.

### Provide a summary of your proposed legislation:

The Education Equity for Pregnant Expectant and Parenting Students Act legislation will be sponsored by Delegate Alice Cain. The legislation was developed by NARAL Pro-Choice Maryland and a work group of community stakeholders to address the educational inequity faced by pregnant and parenting students in the state of Maryland. This legislation would require that the state mandate school districts to develop specific accommodations for expectant and parenting students, including lactation spaces that are safe and comfortable, on-site child-care or child-care referrals services, transportation options to ensure expectant and parenting students ease of travel to school, and reasonable leave during the school day to accommodate lactation needs. Additionally, this legislation aims to understand the breadth of educational outcomes for expectant and parenting students by requiring school districts to collect data tracking these outcomes. School districts would disseminate data to a state body annually over a 3-year period. This data collection will culminate in an analysis conducted by the University of Maryland's Institute for Innovation and Implementation and a report detailing policy recommendations on or before June 1, 2024.

Data collection will focus on the educational outcomes of pregnant and parenting students in the following ways: The number of students seeking and attaining GEDs, the number of students seeking and attaining diplomas, the duration of school enrollment, the violation of school attendance policy and truancy claims, the school-based support services utilized by pregnant and parenting students

## 2019 Fall Agenda Conference—Issue Proposal Form

(You may re-create this form on a separate Word doc. Make sure to include all fields and answer completely.

Do not exceed one page in length.)

Title of Your Bill: Accommodations for Limitations Caused by Pregnancy or Childbirth for State Employees

Bill Number: Unknown

One sentence synopsis of the bill: This bill aims to close a loophole that allows State employers to deny reasonable accommodations to pregnant employees who have limitations that do not yet rise to the level of a disability.

Committee(s) bill is assigned to: \_\_\_\_\_ Unknown \_\_\_\_\_

Lead Legislative Sponsor(s): \_Delegate Kris Valderrama and Senator Brian Feldman

Lead Sponsor(s) Phone Number: 410-841-3210 and 410-841-3169

Lead Group: The Women's Law Center of Maryland \_\_\_\_\_

Lead Group Contact: \_\_Michelle Siri

Lead Group Contact Phone and Email: 410-321-8761 msiri@wlcmd.org

**Describe the problem and how it relates to women:** Under our current laws, a woman who has a disability arising out of pregnancy (e.g., gestational diabetes) is entitled to reasonable accommodations from their employer in order to continue working. A woman with a healthy pregnancy, however, who is in need of accommodations in order to maintain a healthy pregnancy (e.g., doctor recommends not lifting anything over 30lbs) is not entitled to any such accommodation.

**Describe your proposed solution and how it will benefit women:** This bill would close the loop hole, as to State employees, by requiring State employers to provide a reasonable accommodation to women with healthy pregnancies too. The same burdens/benefits/obligations would be in effect as placed on an individual with a disability. And the State would not be required to provide the accommodation if doing so would create an unreasonable burden on the employer.

**Provide a summary of your proposed legislation:** This bill would require a State employer to provide reasonable accommodations to a pregnant employee or an employee who recently gave birth, for the duration of the employee's limitation caused or contributed to by pregnancy or child birth, if the employee would accommodate other employees with disabilities in a similar manner.

If the bill was introduced in a prior year, please include a copy of last year's bill with this form.