



THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

HB 1010 – LGBTQ Seniors Bill of Rights **Author: Delegate Gabriel Acevero, 39th District**

In Brief: HB 1010 strengthens protections for lesbian, gay, bisexual, transgender and questioning (LGBTQ) seniors living in long-term care facilities against discrimination, such as refusing to use a resident's preferred name or pronoun, denying admission to a long-term care facility, transferring a resident within a facility or to another facility based on anti-LGBTQ attitudes of other residents, or evicting or involuntarily discharging a resident from a facility on the basis of their actual or perceived sexual orientation, gender identity, gender expression or HIV status.

Background: Maryland has had statewide protections against discrimination based on an individual's sexual orientation since 2001 and gender identity since 2014. Maryland voters approved legislation to legalize same-sex marriage in November of 2012, and the law went into effect on January 1, 2013. Today, the state of Maryland is regarded as one of the most pro-LGBTQ states in the country, with two-thirds of Marylanders supporting same-sex marriage.

Nonetheless, HB 1010 is needed to affirm the protections that LGBTQ older adults can already rely on under Maryland law and provide specific guidance to facilities and staff on caring for their residents, including the specific needs of LGBTQ seniors.

The Issues: LGBTQ elders are disproportionately vulnerable to marginalization, isolation, homelessness, poverty, and premature institutionalization. When LGBTQ older adults need long-term care, they face significant barriers to accessing care that is culturally competent, safe, and respectful. In one national survey, [LGBT Older Adults in Long-Term Care Facilities: Stories from the Field](#), less than a quarter of LGBT older adult respondents said they were able to be open about their sexual orientation or gender identity with staff at long-term care facilities, and 89 percent of respondents were concerned about facing discrimination from staff. Sadly, many LGBTQ elders either face these risks of discrimination head-on or go back into the closet, often after living openly for many years.

The Solution: HB 1010 will ensure that LGBTQ older adults can advocate for their rights and dignity by specifically prohibiting discrimination in admissions, transfer, eviction, room assignment, and visitation. As an example, the bill requires that facility staff respect transgender and gender non-conforming people's identity and expression for room assignments, preferred names and pronouns, and dress. In addition, HB 1010 requires each long-term care facility to include information about the specific needs of LGBTQ seniors in posted notices wherever their current nondiscrimination policy is posted. This bill furthers previous efforts to ensure dignity and respect for LGBTQ older adults in Maryland by increasing awareness of their rights as enumerated specifically and imposing consequences for violations.

Support: Free State Justice, American Civil Liberties Union of Maryland, SAGE, Chase Brexton, Asbury Methodist Village, Leisure World Leisure World LGBT Alliance