

HOUSE BILL 182

P2

(PRE-FILED)

2lr1119
CF 2lr1121

By: **Delegate Boyce**

Requested: October 31, 2021

Introduced and read first time: January 12, 2022

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: February 15, 2022

CHAPTER _____

1 AN ACT concerning

2 **State Procurement – Certification of LGBTQ Businesses**

3 FOR the purpose of requiring a certain certification agency to compile and manage a certain
4 list of certified LGBTQ businesses in the State for a certain purpose on or before a
5 certain date and annually thereafter; authorizing the certification agency, in
6 compiling the list, to use certain existing lists; requiring the certification agency to
7 publish a certain list on its website; and generally relating to the certification of
8 LGBTQ businesses.

9 BY adding to

10 Article – State Finance and Procurement

11 Section 12–112

12 Annotated Code of Maryland

13 (2021 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – State Finance and Procurement**

17 **12–112.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(2) “CERTIFICATION” MEANS THE DETERMINATION BY THE**
2 **CERTIFICATION AGENCY THAT A LEGAL ENTITY IS AN LGBTQ BUSINESS FOR THE**
3 **PURPOSES OF THIS SECTION.**

4 **(3) “CERTIFICATION AGENCY” MEANS THE AGENCY DESIGNATED BY**
5 **THE BOARD OF PUBLIC WORKS UNDER § 14-303(B) OF THIS ARTICLE TO CERTIFY**
6 **AND DECERTIFY MINORITY BUSINESS ENTERPRISES.**

7 **(4) “CERTIFIED LGBTQ BUSINESS” MEANS AN LGBTQ BUSINESS**
8 **THAT HOLDS A CERTIFICATION.**

9 **(5) “LGBTQ BUSINESS” MEANS ANY LEGAL ENTITY, EXCEPT A JOINT**
10 **VENTURE, THAT:**

11 **(I) HAS BEEN FORMED AS A LEGAL ENTITY IN THE UNITED**
12 **STATES TO ENGAGE IN COMMERCIAL TRANSACTIONS;**

13 **(II) HAS ITS PRINCIPAL PLACE OF BUSINESS IN THE UNITED**
14 **STATES;**

15 **(III) IS AT LEAST 51% OWNED, OPERATED, MANAGED, AND**
16 **CONTROLLED BY ONE OR MORE INDIVIDUALS WHO ARE:**

17 **1. LESBIAN, GAY, BISEXUAL, TRANSGENDER, OR QUEER;**
18 **AND**

19 **2. EITHER UNITED STATES CITIZENS OR LAWFUL**
20 **PERMANENT RESIDENTS; AND**

21 **(IV) EXERCISES INDEPENDENCE FROM A BUSINESS THAT DOES**
22 **NOT MEET THE CRITERIA LISTED IN ITEMS (I) THROUGH (III) OF THIS PARAGRAPH.**

23 **(B) (1) ON OR BEFORE DECEMBER 1, 2022, AND ANNUALLY**
24 **THEREAFTER, THE CERTIFICATION AGENCY SHALL COMPILE AND MANAGE A LIST OF**
25 **CERTIFIED LGBTQ BUSINESSES IN THE STATE TO IDENTIFY AND ENCOURAGE**
26 **OUTREACH TO LGBTQ BUSINESSES AND TRACK THE USE OF CERTIFIED LGBTQ**
27 **BUSINESSES ON STATE PROCUREMENT CONTRACTS.**

28 **(2) IN COMPILING THE LIST REQUIRED UNDER PARAGRAPH (1) OF**
29 **THIS SUBSECTION, THE CERTIFICATION AGENCY MAY CERTIFY AN LGBTQ**
30 **BUSINESS USING EXISTING LISTS COMPILED BY THE NATIONAL GAY AND LESBIAN**
31 **CHAMBER OF COMMERCE OR ANY SUCCESSOR ORGANIZATION WITHOUT THE NEED**

1 FOR ANY ADDITIONAL CONFIRMATION OF ELIGIBILITY FOR CERTIFICATION.

2 (3) THE CERTIFICATION AGENCY SHALL PUBLISH THE LIST
3 COMPILED UNDER PARAGRAPH (1) OF THIS SUBSECTION ON ITS WEBSITE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.