

# Maryland

LGBTQ+ Business Climate Score

out of a possible 100 points



Out Leadership's Business Climate Index for the 50 United States is an assessment of states' performance on LGBTQ+ inclusion. It measures the impact government policies and prevalent attitudes have on the LGBTQ+ people residing in each state, quantifying the economic imperatives for inclusion and the costs of discrimination. It equips business leaders and policy makers with a clear sense of the most impactful steps states can take to make themselves more hospitable to forward-thinking, innovative, inclusive businesses.

## Color Coding



For more context around these scores, and to learn more about the criteria we used to assess how state laws, actions and attitudes toward LGBTQ+ people create business and talent risks, please visit [outleadership.com/driving-equality/us-state-ceo-briefs/](https://outleadership.com/driving-equality/us-state-ceo-briefs/)

# Maryland



## Legal & Nondiscrimination Protection

The Legal and Nondiscrimination Protections section includes two subsections: The **Personal Legal Scale** assesses the state's laws directly impacting LGBTQ+ individuals. This includes processes for transgender people to change their gender markers on birth certificates and driver's licenses, as well as protections for individuals in housing, the workplace, public spaces, foster care, and more. **Two Nondiscrimination Protections Scales** assess the extent to which LGBTQ+ people are protected under state law. One evaluates nondiscrimination laws related to employment and the other evaluates any nondiscrimination laws related to housing, public accommodations, credit and lending.



## Youth & Family Support

The Youth and Family Support section contains three subsections. The **Family Support Scale** measures how supportive the state is of LGBTQ+ people who are in or wish to start families. Elements of this scale include: the percentage of LGBTQ+ families raising children, and whether state family leave laws cover same-gender couples and allow workers to care for the children they are raising. The **Children and Youth Scale** assesses the resources available to LGBTQ+ children and youth in the state, including whether the state has non-discrimination laws and policies for LGBTQ+ students. The **Targeted Laws** section evaluates states on whether they ban discussion of same-gender marriage in schools, and whether they ban conversion therapy for minors.





## Political & Religious Attitudes

The Political and Religious Attitudes section contains two subsections. Taken together, these scales assess the tone of the state's conversation around LGBTQ+ rights. The **Religious Protections Scale** assesses the extent and impacts of a state's constitutional or statutory religious exemption laws, and whether state law provides for targeted religious exemption from laws governing child welfare services, private wedding services, and the provision of medical care. The **State Leadership Scores** are Out Leadership's unique measures evaluating the state's most senior elected officials – the Governor and the two U.S. Senators – and assessing how they've represented their views of LGBTQ+ people in speeches and in their political platforms, and in terms of how they've acted with regard to laws impacting LGBTQ+ equality.

20<sub>/20</sub>



## Health Access & Safety

The Health Access and Safety section contains two subsections. The **Health Scale** assesses LGBTQ+ people's access to insurance and medical care in each state, giving particular emphasis to the most economically precarious and vulnerable members of the community. The **Safety Scale** is based on two significant laws protecting or criminalizing behaviors affecting LGBTQ+ people. It asks whether the state protects LGBTQ+ people in its hate crime laws. It also assesses whether the state criminalizes exposure to or transmission of HIV.

13.0<sub>/20</sub>



## Work Environment & Employment

The Work Environment and Employment section contains two subsections. The **Work Environment Scale** assesses transgender individuals' experiences at work, including incidences of verbal harassment, sexual assault, and other mistreatment. The **Employment Scale** is based on assessments of LGBTQ+ employment in the state. This scale includes the percentage of LGBTQ+ people making less than \$24,000 annually (approximately the current Federal poverty line), and the differences in unemployment rates and food insecurity between LGBTQ+ and non-LGBTQ+ identified individuals.

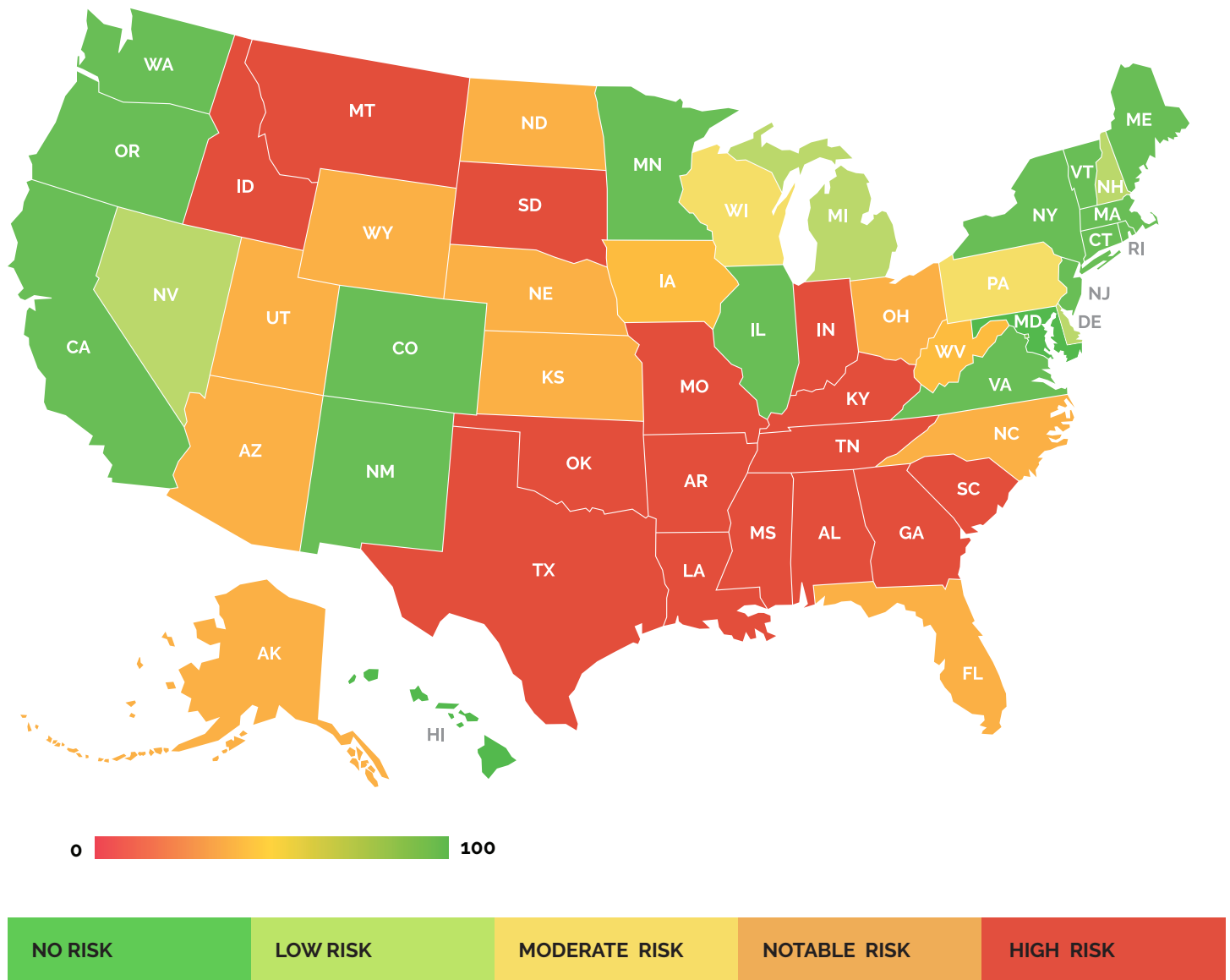
13.0<sub>/20</sub>

## A Note on Methodology

Download this report to learn how and why Out Leadership created the LGBTQ+ Business Climate Index for the 50 U.S. States, with important details about our methodology, including our data standards and practices. NOTE: \*HIV criminalization laws are discriminatory and ineffective. These laws fail to account for advances made in treating and controlling HIV, may deter people from getting tested and seeking treatment, and can exacerbate the stigma targeting people living with HIV and LGBTQ+ people.

# United States Heat Map

The legal and cultural situation for LGBTQ+ people varies widely across the country. This map, based on each state's total Business Climate Score, illustrates the states where LGBTQ+ people are empowered to participate more fully and openly in the economy, and the states that are lagging behind.





# Maryland Talking Points

4.2% of Maryland residents identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$15.9 billion – it's a market my business can't afford to ignore.

Maryland's comprehensive nondiscrimination law protects LGBTQ+ people, so the state is already experiencing the positive economic impacts of such policies. One estimate suggests that the state's economy may have grown 3%, or \$11.9 billion, thanks to its inclusive approach. That said, there's still a gap between policy and culture, and organizations in Maryland have a business imperative to ensure that LGBTQ+ people feel welcome in their workplaces.

Maryland has a favorable economic environment for business investment – but taking steps to make LGBTQ+ people feel safer and more included would better enable companies to attract top LGBTQ+ talent.

Millennial and Gen Z consumers prefer to do business with companies with LGBTQ+ friendly advertising and policies – 54% say they're more likely to choose an LGBTQ+ inclusive brand over a competitor – which is why it's important that Maryland continue to foster a business environment where being inclusive is supported.

## Regional Context

# The Northeast

Out Leadership and FCB partnered on original market research into the attitudes of American workers on LGBTQ+ inclusion, which fielded in 2019 and 2020. These briefs as a whole will be updated on an ongoing basis by Out Leadership because we recognize the ever-changing nature of policy on the local, state, and national level.

The Northeast has the lowest percentage of those who are out at work (49.6%). LGBTQ+ workers in urban environments, however, do feel slightly more comfortable talking about their personal lives vs. urban LGBTQ+ workers for the rest of the country (17% more likely than nationwide). Workers in this region are more likely to hear or engage in negative conversations about LGBTQ+ people at work. Particularly for the non-LGBTQ+ group, which is 23% more likely to report observing or experiencing negative conversations about LGBTQ+ people vs the nation as a whole. Despite being more likely to hear negative conversations at work, workers in this region are the least likely to say that they hear this negativity from state leadership. They are 61% less likely to report that leadership in their state talks about LGBTQ+ people in predominantly negative terms. Like most regions, there is a strong difference between urban and rural audiences, especially for the self-rated importance of team diversity when looking for jobs. LGBTQ+ / Allies living in Rural areas care the least about diverse teams when looking for jobs (49% less likely than nationwide). Finally, audiences in the Northeast were 20% more likely to list "Supporting LGBTQ+ Pride celebrations" as one of their top three ways businesses can demonstrate their support for the community.

*Unless otherwise noted, all comparisons for more or less likely are compared to the National results. Regional results are based off of 1,500 respondents (LGBTQ+ and Non-LGBTQ+ responses have been weighted to be age-representative for each audience in each region). National results are based off of 600 respondents representative of each audience (LGBTQ+ vs Non-LGBTQ+).*

States in the Northeast region included: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont.

# Impact of LGBTQ+ Discrimination on Business Talent

1

NO RISK

2

LOW RISK

3

MODERATE RISK

4

NOTABLE RISK

5

HIGH RISK

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## Brand Risk

1

NO RISK

Companies incur no brand risk by doing business in Maryland, which has comprehensive laws protecting LGBTQ+ people and a correspondingly great reputation.

## Client Risk

1

NO RISK

There's no reason to believe that LGBTQ+ or strong ally clients would pull business from companies operating in Maryland.

## Talent Risk

1

NO RISK

Maryland has comprehensive nondiscrimination laws and protections, and trans-inclusive health coverage, making it a state top LGBTQ+ talent would prioritize.

## Marketing Risk

1

NO RISK

There's no risk in marketing to the LGBTQ+ community in Maryland.

## Future Risk

1

NO RISK

Maryland has a divided government, statewide nondiscrimination protections, and a recent history of almost nondiscriminatory bills filed. We do not see any risk of a negative event in the foreseeable future.

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# Current Legal Status of LGBTQ+ People in Maryland

## Legal status of the Lesbian, Gay and Bisexual Community

Maryland has a comprehensive nondiscrimination law inclusive of both sexual orientation and gender identity. The law prohibits discrimination in connection with, among other things, employment, housing, and public accommodations.

State employees are also protected from discrimination on the basis of both sexual orientation and gender identity.

State regulations prohibit certified residential child care program administrators or certified residential child and youth care practitioners from discriminating on the basis of among other things sex or sexual orientation. The law doesn't address gender identity.

The state has a policy mandating that LGBTQ+ youth in the social services system receive care that respects their identities and promotes their wellbeing.

LGBTQ+ individuals and couples may adopt under the same terms as opposite-sex couples; Maryland regulations prohibit discrimination in adoption based on sexual orientation.

Maryland's Court of Appeals has recognized de facto parenthood as a viable doctrine under which a same-sex partner who is not otherwise a legal parent may seek custody or visitation rights.

Knowingly transmitting or attempting to transmit one's HIV-positive status is a misdemeanor in Maryland, punishable by either a \$2,500 fine, three years in prison, or both. The state has also prosecuted HIV exposure under general criminal laws.

Maryland's state hate crimes law covers both sexual orientation and gender identity.

Mental health and childcare practitioners are banned from performing conversion therapy.



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## Legal Status of the Transgender Community

As of October 2019, people can change a gender marker on their driver's licenses by simply selecting male, female, or "unspecified or other."

Applicants can change the gender markers on a birth certificate by submitting one of the following documents: a certification from a physician that the person has undergone surgical, hormonal, or other treatment or a court order. The original birth certificate will be placed under seal.

Maryland's Medicaid program covers hormone therapy as well as any medically necessary gender affirming services, including surgery.

Maryland mandates coverage of trans-related healthcare in individual, small-group and student health insurance plans regulated by the state.

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## Government Statements and Actions

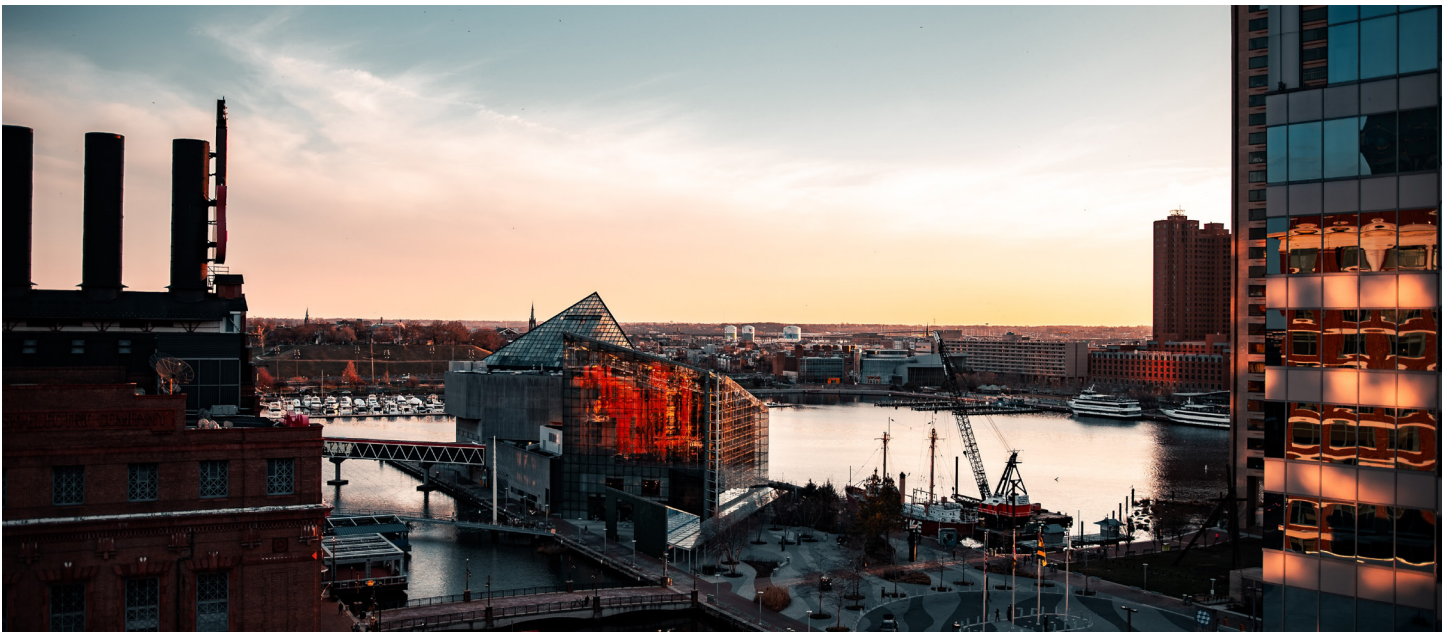
In 2023, new Democratic Gov. Wes Moore signed the Trans Health Equity Law into effect, ensuring equitable access to gender affirming care throughout the state.

At the end of the 2021 legislative session, lawmakers voted to ban the "gay panic defense" and to stop requiring trans people to publicize name changes in print. The law went into effect starting October 2021.

U.S. Senator Ben Cardin has been the Special Representative on Anti-Semitism, Racism, and Intolerance for the Organization for Security and Cooperation in Europe (OSCE) Parliamentary Assembly since 2015.

Former Governor Larry Hogan, a Republican, let fertility parity in health coverage and birth certificate gender marker changes become law by taking no action, rather than signing them.

A federal judge in Maryland dismissed a challenge to the state's conversion therapy ban in September 2019.



# Socio-cultural Environment of LGBTQ+ People in Maryland

## Status of LGBTQ+ Organizing and Community

Baltimore Pride was founded in 1975, and the annual parade draws around 30,000 people.

Maryland's capital, Annapolis, held its first-ever pride parade in 2019. Race and gender greatly impact the sexual and gender minority community very differently. For instance over 70% of new HIV infections are among black MSM.

Out of 48 nationwide counties that have 50% or more of new HIV infections, Maryland has three major hot spots: Prince George's County, Baltimore County and Baltimore City.

## Cultural Views of the LGBTQ+ Community

74% of Maryland residents support LGBTQ+ nondiscrimination laws.

58% of Maryland residents oppose the concept of religious exemptions for small businesses that would allow them to discriminate against LGBTQ+ people.



# Partners

Our partnerships make our work possible. The first State LGBTQ+ Business Climate Index released in 2019 was funded by a grant from the Gill Foundation. The Index is based on data graciously shared by the Movement Advancement Project and the Williams Institute. Ropes & Gray is our pro bono legal partner for the CEO Business Briefs globally, and their research informs this Index. FCB partnered with us to conduct original market research into American attitudes toward LGBTQ+ workplace inclusion, informing the Regional Context section of the State CEO Briefs. America Competes supported the development of the scoring for the Risk Assessments, particularly for the Future Risk score.

