

HOUSE BILL 722

P2

1lr1601

By: **Delegate Ivey**

Introduced and read first time: January 26, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Disparity Studies – African American–Owned Businesses**

3 FOR the purpose of requiring a certain certification agency, in consultation with the Office
4 of the Attorney General, to contract with an independent consultant to conduct a
5 review of a certain disparity study to evaluate whether the data in the study
6 demonstrates a compelling interest to implement certain remedial measures
7 specifically to assist African American–owned businesses; requiring a certain
8 certification agency, in consultation with the Office of the Attorney General, to
9 initiate a certain disparity study and, on or before a certain date, to report the
10 findings of the disparity study to certain persons under certain circumstances;
11 providing for the termination of this Act; and generally relating to the awarding of
12 contracts and subcontracts by the State to African American–owned businesses.

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That:

15 (a) The certification agency designated by the Board of Public Works under §
16 14–303(b) of the State Finance and Procurement Article to certify and decertify minority
17 business enterprises, in consultation with the Office of the Attorney General, shall contract
18 with an independent consultant to review the “Business Disparities in the Maryland
19 Market Area” study completed on February 8, 2017, to evaluate, on or before October 1,
20 2021, whether the data in the study demonstrates a compelling interest to implement
21 remedial measures specifically to assist African American–owned businesses separately
22 from the existing Minority Business Enterprise Program established in Title 14, Subtitle 3
23 of the State Finance and Procurement Article.

24 (b) If a determination is made under subsection (a) of this section that the data
25 in the February 8, 2017, study “Business Disparities in the Maryland Market Area” is
26 insufficient to demonstrate whether or not there is a compelling interest to implement
27 remedial measures specifically to assist African American–owned businesses separately
28 from the existing Minority Business Enterprise Program, the certification agency

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 designated by the Board of Public Works under § 14–303(b) of the State Finance and
2 Procurement Article, in consultation with the Office of the Attorney General, shall initiate
3 a disparity study specifically to determine whether there are patterns of discrimination
4 regarding the awarding of contracts and subcontracts by the State to
5 African American–owned businesses as compared to patterns of discrimination regarding
6 the awarding of contracts and subcontracts by the State to businesses owned by members
7 of other minority groups.

8 (c) If a new disparity study is completed in accordance with subsection (b) of this
9 section, on or before June 30, 2022, the certification agency shall submit the results of the
10 study to the Governor’s Office of Small, Minority, and Women Business Affairs and, in
11 accordance with § 2–1257 of the State Government Article, the General Assembly.

12
13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
14 1, 2021. It shall remain effective for a period of 2 years and 1 month and, at the end of June
15 30, 2023, this Act, with no further action required by the General Assembly, shall be
16 abrogated and of no further force and effect.