

Maryland Legislative Agenda for W♀men 2019



FOR MORE INFORMATION ON THE
2019 MARYLAND LEGISLATIVE AGENDA FOR WOMEN
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Maryland Legislative Agenda for Women

Overview

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women's groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. The coalition advocates for progressive legislation and policies that promote and protect the well-being of Maryland women and their families and provide them opportunities to develop their full potential.

Our Vision

Maryland women and their families have a right, by law, to an adequate and sustainable quality of life and an opportunity to develop their full potential.

Guiding Principles

- An adequate standard of living regardless of ability to work or achieve financial independence
- Personal safety at home, school and the workplace
- Freedom from discrimination in Maryland's economic, educational, judicial, political, and social system
- Equal access to quality health care and reproductive services
- Safe and affordable child and dependent care
- A quality, public education
- Equitable and responsible implementation and enforcement of rights and protections provided by existing law
- Elimination of discriminatory policies and practices based on age, ethnicity, gender, physical abilities and attributes, race, and sexual orientation
- Family-friendly employment practices

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Prince George's Environmental Social Justice Marginalized Community Collaborative
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The Law Office of Jessica O'Kane
The Milky Way Foundation
The Women's Democratic League of Frederick County
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Woman's Democratic Club of Montgomery County
Women's Justice Circle
Women's Law Center of Maryland
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**The names of individuals and organizational supporters may only support some components of the agenda that pertain to their mission and work.*

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Maryland Legislative Agenda for Women

2019 Agenda Process and Selection

In November, MLAW hosted its Fall Agenda Conference. Advocacy and women's groups were invited to present legislative initiatives for consideration. The criteria for initiatives to be presented at the Conference were:

- Addresses an issue related to women's health, women's personal safety at home, in public, in school, and in the workplace; the ability to achieve and maintain economic independence; or freedom from discrimination in Maryland's economic, educational, judicial, political, and social system;
- Can be addressed through the legislation in the Maryland General Assembly;
- Has a reasonable chance to move successfully through the legislative process;
- Has an identifiable, sustainable lead group that can shepherd the bill.
- The lead group must:
 - Be a Maryland-based group or a national group with a strong on-the-ground presence in Maryland;
 - Have issue-area expertise and/or a track record of supporting legislation/advocacy in areas related to this proposal;
 - Have an identified representative who will be in regular contact with the MLAW Board of Directors about the progress of the legislation; and
 - Regularly provide legislative updates and supportive materials for MLAW to share with our members so that they can take action.

Following a successful conference, the Board of Directors met to review the legislation and ensure that it met the criteria. Bills that met the criteria were placed on a ballot, which was distributed to the MLAW membership. Members were asked to vote for the initiatives that would comprise the **2019 Maryland Legislative Agenda for Women**.



Maryland Legislative Agenda for Women

2019 Legislative Initiatives

| | |
|--|----|
| Family and Medical Leave Insurance Program—Establishment (Time to Care Act of 2019) | 5 |
| Age of Majority—Right to Parental Support and Maintenance | 6 |
| Family Law—Child Support—Eligibility of a Child Who Has Attained the Age of 18 Years | 7 |
| Labor and Employment—Wage History and Wage Range | 8 |
| Pilot Program - Alleged Rape, Sexual Offense, or Child Sexual Abuse - HIV Postexposure Prophylaxis | 9 |
| Prescription Drug Affordability Board | 10 |
| Maryland Health Insurance Option (Protect Maryland Health Care Act of 2019) | 11 |
| Protective Orders—Relief Eligibility—Rape and Sexual Offenses | 12 |
| Discrimination in Employment—Pregnancy and Childbirth | 13 |
| Criminal Procedure - Motion to Vacate Judgment - Human Trafficking (True Freedom Act of 2019) | 14 |

Family and Medical Leave Insurance Program—Establishment (Time to Care Act of 2019)

Bill Number: HB341/SB500

Synopsis: 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. The benefit level is calculated based on the employee's weekly wage and the State's average weekly wage. In general, the amount received by low-income employees reflects a higher percentage of their total wages.

Committee(s): House Economic Matters and Senate Finance

Bill Sponsor(s): Delegate Ariana Kelly, 410-841-3642 and Senator Antonia Hayes, 410-841-3656

Lead Group(s): Maryland Family Network, Clinton Macsherry, 410-370-9429
cmacsherry@marylandfamilynetwork.org

Background:

We all need time to care—for new babies, for aging parents, for loved ones with health needs or disabilities, or for helping ourselves.

Yet many Marylanders can't take time to care because they lack paid family leave. Only 17% of U.S. workers have access to paid family leave and fewer than 40% have paid personal leave for short-term disabilities. Unpaid leave forces too many Americans, especially those whose needs are the greatest, to choose between income and family when illness strikes, when new babies arrive, or when the needs of a family member with a disability intensify. Nearly 25% of women, for example, take 10 or fewer days of parental leave, potentially putting themselves and their children at risk physically and emotionally.

Legislation establishing a Family and Medical Leave Insurance Program would make paid leave available to Maryland workers for up to 12 weeks following the birth or adoption of a child and when needed to provide care for a family member or oneself. The leave would be funded through an insurance pool, into which workers and their employers contribute.

Age of Majority—Right to Parental Support and Maintenance

Bill Number: SB264

Synopsis: The bill would allow the court to retain jurisdiction for child support until age 21 for those enrolled in post-secondary college education or a vocational training program.

Committee(s): Senate Judicial Proceedings

Bill Sponsor(s): Senator Susan Lee, 301-858-3124

Lead Group(s): American Association of University Women (AAUW), Dr. Bev Fallik bevfallik@gmail.com, 301-596-6208; Joan Clinch joclin1939@gmail.com 443-995-8799; Erin Prangle erin.prangle@gmail.com 818-456-6517

Background:

Currently in Maryland, child support ends at age 18 (19 if in secondary school), leaving the child without support during a critical time when the high cost of college education or vocational training begins. The annual in-state 2018-19 cost for University of Maryland College Park exceeds \$24,500, including \$10,000 for tuition alone. A high school education no longer is sufficient to prepare young people to support themselves in today's high-tech, complex work world. Data show that high-school graduates earn only about half that of college graduates annually. Often post-secondary education is the doorway to a successful adult. Higher salaries yield higher taxes to the state.

Women hold nearly 2/3 of outstanding student debt in the US (AAUW Report "Deeper in Debt", 2017) impacting their quality of life and long term ability to retire. This debt is exacerbated when single parents (80% of custodial parents are women) try to support their child's post-secondary education, in preparation for a successful career. This adds to the disparate short- and long-term economic burden carried by women who typically earn 79% of men's salaries. According to AARP (2016 WLB presentation), these factors harm women's ability to save for retirement. This legislation would reduce economic hardships imposed disproportionately on women, and increase the ability of our youth to be better prepared for today's complex work world. Prior to 1973, child support ended at age 21 (for men) in recognition of the training and knowledge needed for a successful adulthood. As of 2015, 16 states and 2 territories (Colorado, Connecticut, Hawaii, Illinois, Indiana, Iowa, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Dakota, Oregon, S. Carolina, Utah, Washington, Puerto Rico, and the Virgin Islands) already have laws that address child support for post-secondary education.

This legislation reflects the wisdom of that approach, especially in today's environment. It specifies that an individual who has attained the age of 18-21 years and who is continuously enrolled in secondary school, post-secondary school or a vocational training program has the right to receive support from his/her parents as determined by the court given certain conditions including but not limited the young adult's: 1) need for support; 2) preparation and aptitude for and commitment to higher education; and 3) financial aid from other sources including grants, loans and job income.

Family Law—Child Support—Eligibility of a Child Who Has Attained the Age of 18 Years

Bill Number: HB937

Synopsis: The bill would allow the court to retain jurisdiction for child support until age 21 for those enrolled in post-secondary college education or a vocational training program.

Committee(s): House Judiciary

Bill Sponsor(s): Delegate Terri Hill, 410-841-3378

Lead Group(s): American Association of University Women (AAUW), Dr. Bev Fallik bevfallik@gmail.com, 301-596-6208; Joan Clinch joclin1939@gmail.com 443-995-8799; Erin Pranglely erin.pranglely@gmail.com 818-456-6517

Background:

Currently in Maryland, child support ends at age 18 (19 if in secondary school), leaving the child without support during a critical time when the high cost of college education or vocational training begins. The annual in-state 2018-19 cost for University of Maryland College Park exceeds \$24,500, including \$10,000 for tuition alone. A high school education no longer is sufficient to prepare young people to support themselves in today's high-tech, complex work world. Data show that high-school graduates earn only about half that of college graduates annually. Often post-secondary education is the doorway to a successful adult. Higher salaries yield higher taxes to the state.

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Labor and Employment—Wage History and Wage Range

Bill Number: HB634/SB738

Synopsis: This bill will ensure women are not 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): House Economic Matters and Senate Finance

Bill Sponsor(s): Delegate Karen Lewis-Young, 410-481-3436 and Senator Susan Lee, 301-858-3124

Lead Group(s): National Women's Law Center, Andrea Johnson, ajohnson@nwlc.org, 202-319-3041

Background:

Women shouldn't be forced to carry lower earnings and pay discrimination with them from job to job. This bill brings Maryland an important step closer to closing the gender wage gap by prohibiting an employer from relying on an applicant's wage history in screening or considering the individual for employment or in determining their wages. It also requires an employer to provide the wage range for a position to a job applicant, upon request.

"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 has a disproportionately negative impact on women and people of color, who face bias in the workplace and are typically paid less than white, non-Hispanic men. It also penalizes individuals who reduced their hours or left their prior job to care for children or other family members, or who worked for the nonprofit or public sector, and whose prior salary, consequently, doesn't reflect their qualifications or current market conditions.

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.

This legislation will end a practice that a growing number of small and large businesses are discarding. Bank of America, Wells Fargo, Cisco, Progressive, Starbucks, and Amazon have all announced that they are no longer asking applicants to provide their salary history, many of them acknowledging that this practice perpetuates wage gaps, and that employees should be paid based on their experience, skills, track record, and the responsibilities they will be assuming, not on what they happened to be paid in their past job.

Since 2016, Massachusetts, Delaware, Connecticut, Vermont, California, Oregon, and Hawaii, and localities from New York City to Louisville, KY, have passed legislation prohibiting employers from relying on salary history. As a leader on equal pay, Maryland should join this movement.

Pilot Program - Alleged Rape, Sexual Offense, or Child Sexual Abuse - HIV Postexposure Prophylaxis

Bill Number: HB1249/SB657

Synopsis: A bill to provide rape survivors with n-PEP, emergency medication to prevent HIV.

Committee(s): House Health & Government Operations and Senate Judicial Proceedings

Bill Sponsor(s): Delegate Kirill Reznik, 410-821-3039 and Senator Nancy King, 301-858-3686

Lead Group(s): Maryland Coalition Against Sexual Assault, Lisae C. Jordan, 443-995-5544

Background:

This is a bill to ensure that rape victims have meaningful access to medication to prevent HIV infection after a sexual assault. Rape disproportionately affects women.

One of the risks faced by rape survivors is HIV infection. Studies of HIV transmission have been based on consensual sexual activity, and do not account for the violence of rape, so it is unclear what the risk level is. Sexual assault survivors report that fear of HIV infection is one of their major concerns after an assault. One recent case in Maryland involved a child who was infected with HIV after rape when his parents could not afford a co-pay of thousands of dollars.

There are now drugs that can be used to prevent HIV infection. These drugs must be taken within 72 hours of exposure to HIV and must be taken consistently for 28 days. Collectively, these drugs are referred to as n-PEP (Post-Exposure Prophylaxis). Co-pays for these medications are typically over \$1000 for survivors with insurance.

Current law provides rape victims with free emergency medical treatment following an assault, but the State refuses to provide n-PEP to prevent HIV infection in rape survivors. (A subset of victims are given a “starter pack”.) This bill will require that if a rape victim requests and their medical provider prescribes n-PEP, the state will pay for the treatment on the same basis as other emergency care. The 2019 bill proposes a pilot project to address concerns raised by the Hogan administration about the cost of providing n-PEP and to obtain more accurate data about the scope of demand. Of rape victims who can benefit from the medication (people who seek medical care within 72 hours), some will know or will learn that the assailant is HIV negative and others will stop taking medication for other reasons. Estimated costs of treatment are uncertain, however, estimated lifetime costs of HIV have been studied and are approximately \$367,000 per infection.

Prescription Drug Affordability Board

Bill Number: HB768/SB759

Synopsis: This bill creates a Prescription Drug Affordability Board in Maryland, an independent body with the authority to evaluate high cost drugs and set fair rates for Marylanders to pay.

Committee(s): House Health & Government Operations and Senate Finance

Bill Sponsor(s): Delegate Joseline Peña-Melnik, 410-841-3502 and Senator Kathy Klausmeier, 410-841-3620

Lead Group(s): Maryland Citizens' Health Initiative, Catherine Kirk Robins, 410-235-9000, catherine@healthcareforall.com

Background:

The skyrocketing cost of prescription drugs is a problem that impacts many Americans, but the issue is particularly burdensome to women. Already facing a gender wage gap, women are disproportionately hurt when drug manufacturers maximize profits at the cost of the patient. As reported by Kaiser Health, 22% of women have said that they have rationed or skipped doses, or left a prescription unfilled because of cost, as compared to 12% of men. Additionally, this issue is compounded by the fact that several drugs used to treat conditions that primarily afflict women have experienced steep price hikes in recent years. Notably, Herceptin, a drug used to treat breast cancer, has rocketed in price, climbing by 78% since 2005. The drug has reached an annual cost of \$60,000 despite having been on the market for two decades.

In addition to paying for their own medications, many women are also faced with the responsibility of providing for their children's prescription drugs, as well. Women most often serve as head of household in single parent families. In Maryland, that translates to 300,000 homes, with 19% living in poverty. As we have witnessed EpiPens, insulin, and albuterol increase in price, many Maryland families are facing more of a challenge to ensure that their children receive the medications they need.

Our proposal is to create a Prescription Drug Affordability Board, which will serve as a critical tool to ensure that high cost prescription drugs are affordable to Marylanders. The Board would be an independent rate-setting body designed to help ensure that prescription drugs are affordable to Marylanders. The Board would review prescription drugs that create affordability challenges for the Maryland health care system, including patients, and set fair and affordable payment rates for Marylanders. The Board will consider a broad range of economic factors when setting appropriate payment rates for reviewed drugs, allowing pharmaceutical manufacturers the opportunity to justify existing costs. Once a fair payment rate is determined, the Board will set an upper payment limit that applies to the entire supply chain, ensuring that lower costs make it to the consumer.

As prescription drug costs continue to soar, it is imperative that the Maryland General Assembly take action to help ensure that all Marylanders have access to affordable medications, because drugs don't work if people can't afford them.

Maryland Health Insurance Option (Protect Maryland Health Care Act of 2019)

TBD

HB814/SB802

Synopsis: To respond to federal sabotage of the Affordable Care Act's individual mandate, this bill would create a Health Insurance Down Payment Plan which would give Marylanders at tax time without health coverage the option to either pay a fee or instead purchase health coverage, bringing more Marylanders into the individual market and stabilizing premiums to help with affordability.

Committee(s): House Government & Operations and Senate Budget & Taxation and Senate Finance

Bill Sponsor(s): Delegate Joseline Peña-Melnyk, 410-841-3502 and Senator Brian Feldman, 410-841-3607

Lead Group(s): Maryland Citizens' Health Initiative, Stephanie Klapper, 410-235-9000 or stephanie@healthcareforall.com

Background:

The Affordable Care Act (ACA) has been a great success for women in Maryland. From 2013 to 2016, the uninsured rate of women aged 19-64 in Maryland dropped in half from 14% to 7%. Because of the ACA women were able to access federal subsidies to purchase coverage in the individual market, and that coverage was of higher quality thanks to requirements to include well-woman visits, screening for gestational diabetes, breastfeeding support, and more.

Unfortunately this progress is in danger. The Trump Administration and Republican leadership in Congress have been doing everything they can to sabotage the ACA, including deciding not to enforce the individual mandate starting in 2020. Without the individual mandate, premiums in the individual market are expected to rise, putting health coverage out of reach for many women.

Maryland must respond by passing a Health Insurance Down Payment Plan, which would give Marylanders at tax time without health coverage the option to either pay a fee or instead purchase health coverage, bringing more Marylanders into the individual market and stabilizing premiums to help with affordability.

Here is how it would work: At tax time Marylanders would be asked if they had health coverage for the past year. If they say no, then they will be given the option to either pay a fee to the state OR instead use the fee money to purchase quality health coverage. We estimate that roughly 31,000 women in Maryland would be able to purchase health coverage for no more than the amount of the fee plus the federal subsidies for which they are already qualified. This would bring more people into the individual market, stabilizing premiums and improving affordability for everyone. In addition, we estimate that roughly 18,750 women in Maryland would be able to enroll in Medicaid who file tax returns but have not yet signed up for coverage.

Women in Maryland have benefitted greatly from the Affordable Care Act in Maryland. This legislation would go a long way toward protecting Maryland's progress toward quality, affordable healthcare for all Marylanders.

Protective Orders—Relief Eligibility—Rape and Sexual Offenses

Bill Number: HB122/SB209

Synopsis: Altering the definition of “person eligible for relief” in a domestic violence protective order to include any individual who alleges s/he is a victim of a rape or sexual offense and by removing them from the peace order to clarify that these victims are eligible to receive all of the protections of a protective order rather than a peace order.

Committee(s): House Judiciary and Senate Judicial Proceedings

Bill Sponsor(s): Delegate Kathleen Dumais, 410-841-3052 and Senator Bobby Zirkin, 410-841-3131

Lead Group(s): House of Ruth Maryland, Dorothy Lennig, dlennig@hruthmd.org, 410-274-7773

Background:

For many years, domestic violence and sexual assault advocates have worked to have the protective order (PO) 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 the PO covered these acts, many victims were not eligible for a PO because of their relationship to the abuser. In 2015, the law changed to include victims on sexual relationships. Since then there have been a number of judges who believe date rape victims do not qualify for a PO because the parties were 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 protective order that are not included in peace orders, e.g. longer order, removal of firearms, more robust response by law enforcement.

Discrimination in Employment—Pregnancy and Childbirth

Bill Number: HB1107/SB518

Synopsis: This bill expands existing pregnancy discrimination laws to include not just women with pregnancy-related disabilities, but also women with healthy pregnancies who also need reasonable accommodations.

Committee(s): House Economic Matters and Senate Judicial Proceedings

Bill Sponsor(s): Delegate Kris Valderrama, 410-841-3210 and Senator Brian Feldman, 410-841-3169

Lead Group(s): Women’s Law Center of Maryland, Michelle Siri, msiri@wlcmd.org, 410-321-8761

Background:

The Pregnancy Discrimination in Employment Act intends to fix the loophole in our current pregnancy accommodation law that puts healthy pregnancies at risk.

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.

This bill would close the loop hole by requiring 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 an employer would not be required to provide the accommodation if doing so would create an unreasonable burden on the employer.

In short, this bill would require an employer to provide reasonable accommodations to a pregnant employee or an employee who recently gave birth, for the durations of the employee's limitation caused or contributed to by pregnancy or child birth, if the employer would accommodate other employees with disabilities in a similar manner.

Criminal Procedure - Motion to Vacate Judgment - Human Trafficking (True Freedom Act of 2019)

Bill Number: HB782/SB691

Synopsis: 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): House Judiciary and Senate Judicial Proceedings

Bill Sponsor(s): Delegate Vanessa Atterbeary, 410-841-3471 and Senator Susan Lee, 410-841-3124

Lead Group(s): Human Trafficking Prevention Project, Jessica Emerson, jemerson@ubalt.edu, 410-837-4566

Background:

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.

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.

This proposed change in law will expand Maryland's current "vacating convictions" law to apply explicitly to survivors of labor trafficking, as well as expand the number of crimes eligible for vacatur. 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.

Demonstrate Your Womanpower with MLAW

WHAT YOU CAN DO TO TAKE ACTION ON LEGISLATION

MLAW (Maryland Legislative Agenda for Women) is a statewide group of organizations and individuals working to provide an independent, non-partisan voice advocating for critical legislation and policies affecting women and their families. Visit our website at www.mdlegagendaforwomen.org for more information.

Here are a few steps you can take to stay informed about legislation you care about and to let your legislators know your position.



SIGN UP FOR MLAW'S YAHOO LIST SERVE to receive information, updates, alerts, and other information of interest.



LEARN MORE about the issues you care about.



CONTACT YOUR LEGISLATORS during the session:

- ★ Call, write, e-mail, fax or visit legislators to express your support or opposition to legislation. You can find who your state legislators are, their contact information, copies of bills, hearing schedules and more at <http://mlis.state.md.us>.
- ★ Contact the lead group or groups to find out more about what you can do to support or oppose legislative proposals or other issues.
- ★ Attend a legislative hearing and be a visible supporter.
- ★ Submit written or give oral testimony.
- ★ Find out how your legislators voted – and hold them accountable – by letters or by your next opportunity to vote for them.



SPREAD THE WORD – promote the MLAW Agenda and other issues to friends and colleagues and encourage them to take action.



MAINTAIN FOCUS on key areas: health care, reproductive rights, economics, family law, domestic and sexual violence.



JOIN MLAW to support an independent voice for women's and family issues.



PARTICIPATE – and build women's collective power.

Maryland Legislative Agenda for Women

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Maryland Legislative Agenda for Women

2018-2019 Membership Form

MLAW's membership year is July 1, 2018 through June 30, 2019

I Want to Make a Difference!

I Want to be an MLAW Member

Type of Membership (check only one):

- ☐ \$40 - Individual
☐ \$75 - Organization income under \$25,000
☐ \$125 - Organization income over \$25,000

If you are joining as both an individual and an organization, please complete a separate form for EACH membership.

I Want to Increase MLAW's Collective Voice by Making an Additional Donation

☐ \$1,000 ☐ \$750 ☐ \$500 ☐ \$250 ☐ \$100 ☐ \$75 ☐ \$50 ☐ \$25 ☐ Other _____

Payment:

☐ A check for \$_____, made payable to MLAW, is enclosed.

Individual or Organization: _____

Please spell out organization name. No acronyms.

Contact Name (for organizations only) _____

Mailing Address: _____

Phone Number: _____ **Email:** _____

IMPORTANT! Please include an email address. Most of the business of MLAW will be conducted via email through the MLAW listserv.

Mail this completed form to:

MLAW

305 W. Chesapeake Avenue, Suite 201

Towson, MD 21204

The Maryland Legislative Agenda for Maryland Women (MLAW) is a 501(c)4 organization. Because we engage in legislative advocacy, contributions to MLAW are not tax-deductible.