



SPONSOR: Rep. Heffernan

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE AMENDMENT 1
TO
HOUSE BILL NO. 21

AMEND House Bill No. 21 by inserting the following after line 96:

§ 2744. Remedies

(a) Any person subjected to discrimination in violation of this subchapter or who has reasonable grounds for believing that such person is about to be subjected to discrimination in violation of this subchapter may bring an action in the Court of Chancery for injunctive or other equitable relief.

(b) The Attorney General shall investigate alleged violations of this subchapter and shall undertake periodic reviews of compliance of covered entities. If the Attorney General has reasonable cause to believe that: (i) a person or group of persons is engaged in a pattern or practice of discrimination under this section; or (ii) a person or group of persons has been discriminated against under this section and such discrimination raises an issue of general public importance, the attorney general may commence a civil action in an appropriate state court.

(c) In a civil action commenced under this subchapter, the court may:

(1) Grant such equitable relief as it considers appropriate, to the extent required by this subchapter;

(2) Grant injunctive, temporary, preliminary or permanent relief;

(3) Require an auxiliary aid or service or the modification of a policy, practice or procedure or require an alternative method;

(4) Require that facilities shall be made readily accessible to and usable by individuals with disabilities;

(5) Award such other relief as the court considers appropriate, including monetary damages to aggrieved persons.

(d) In addition to the remedies enumerated in subsection (c) of this section, the court may assess a civil penalty against a covered entity of not more than \$50,000 for a first violation and not more than \$100,000 for a second or subsequent violation. For the purposes of determining whether a first or subsequent violation has occurred, a determination

22 in a single action, by either a judgment or settlement, that the covered entity has engaged in more than 1 discriminatory act
23 shall be counted as a single violation.
24 (e) Nothing in this section is intended to limit or replace available remedies under the ADA or any other applicable
25 law.

SYNOPSIS

This amendment provides a mechanism for addressing discrimination in violation of this section in state court. This will expedite resolution of such claims and potentially make a life-saving difference in the organ transplant process.