

SENATE BILL 783

M3, M1

CONSTITUTIONAL AMENDMENT

2lr2094
CF HB 596

By: **Senators Smith, Jackson, Guzzone, Beidle, Carter, Elfreth, Feldman, Kelley, Watson, Waldstreicher, Young, Washington, Lee, Lam, Kramer, and Hettleman**

Introduced and read first time: February 7, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment – Environmental Rights**

3 FOR the purpose of establishing that every person has the fundamental and inalienable
4 right to a healthful and sustainable environment; and requiring the State to serve
5 as the trustee of the State’s natural resources, including the air, land, water, wildlife,
6 and ecosystems of the State, and to conserve, protect, and enhance the State’s
7 natural resources for the benefit of every person, including present and future
8 generations.

9 BY proposing an addition to the Maryland Constitution
10 Declaration of Rights
11 Article 48

12 Preamble

13 WHEREAS, All living things are dependent on the gifts of a healthful environment;
14 and

15 WHEREAS, The full expression of human dignity is incompatible with a degraded
16 environment; and

17 WHEREAS, A sustainable, regenerative ecosystem and stable climate are essential
18 to support a vibrant society and economy; and

19 WHEREAS, Access to a healthful and sustainable environment is a birthright of
20 every person; now, therefore,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 (Three-fifths of all the members elected to each of the two Houses concurring), That it be
3 proposed that the Maryland Constitution read as follows:

4 **Declaration of Rights**

5 **ARTICLE 48.**

6 **(A) EVERY PERSON HAS THE FUNDAMENTAL AND INALIENABLE RIGHT TO A**
7 **HEALTHFUL AND SUSTAINABLE ENVIRONMENT.**

8 **(B) THE RIGHT ENUMERATED UNDER SUBSECTION (A) OF THIS SECTION**
9 **MAY NOT BE INFRINGED.**

10 **(C) THE STATE SHALL:**

11 **(1) SERVE AS THE TRUSTEE OF THE STATE'S NATURAL RESOURCES,**
12 **INCLUDING THE AIR, LAND, WATER, WILDLIFE, AND ECOSYSTEMS OF THE STATE;**
13 **AND**

14 **(2) CONSERVE, PROTECT, AND ENHANCE THE STATE'S NATURAL**
15 **RESOURCES FOR THE BENEFIT OF EVERY PERSON, INCLUDING PRESENT AND**
16 **FUTURE GENERATIONS.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
18 determines that the amendment to the Maryland Constitution proposed by Section 1 of this
19 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
20 Constitution concerning local approval of constitutional amendments do not apply.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
22 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
23 voters of the State at the next general election to be held in November 2022 for adoption or
24 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
25 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
26 ballot there shall be printed the words "For the Constitutional Amendment" and "Against
27 the Constitutional Amendment", as now provided by law. Immediately after the election,
28 all returns shall be made to the Governor of the vote for and against the proposed
29 amendment, as directed by Article XIV of the Maryland Constitution, and further
30 proceedings had in accordance with Article XIV.