

SENATE BILL 413

D5

(4lr0428)

ENROLLED BILL

— *Judicial Proceedings/Health and Government Operations* —

Introduced by **Senators Gile, Beidle, Klausmeier, Mautz, McKay, Ready, Rosapepe, and ~~Salling~~ Salling, Smith, Waldstreicher, West, Muse, Folden, James, Charles, Kelly, and Carter**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Discrimination – Military Status – Prohibition**

3 FOR the purpose of prohibiting discrimination based on military status with regard to
4 ~~public accommodation, housing, *housing and* employment, financial transactions,~~
5 ~~education, insurance, the provision of public utility services, and State personnel~~
6 ~~actions;~~ and generally relating to discrimination based on military status.

7 ~~BY repealing and reenacting, with amendments,~~
8 ~~Article — Commercial Law~~
9 ~~Section 12-305, 12-503(b), 12-603, 12-702, and 12-704~~
10 ~~Annotated Code of Maryland~~
11 ~~(2013 Replacement Volume and 2023 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



~~BY repealing and reenacting, with amendments,
Article – Education
Section 2-206(c), 13-303(d), 26-701, 26-703, and 26-704
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article – Health – General
Section 2-1001, 2-1002, 2-1003(a), 2-1004, 19-342(d)(7), and 19-355
Annotated Code of Maryland
(2023 Replacement Volume)~~

~~BY repealing and reenacting, with amendments,
Article – Human Services
Section 8-707(b)(1)(viii)
Annotated Code of Maryland
(2019 Replacement Volume and 2023 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article – Insurance
Section 2-202(a) and 15-1A-22
Annotated Code of Maryland
(2017 Replacement Volume and 2023 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7-507(h)(1), 17-402, and 17-402.1(a)(1)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)~~

BY repealing and reenacting, with amendments,
Article – State Government
Section 20-101, ~~20-302, 20-304, 20-401, 20-402, 20-501,~~ 20-601(h), 20-602,
20-603, 20-604, 20-605, 20-606, 20-610, 20-702, 20-704(a), 20-705, 20-707,
and 20-1103(b)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 20-601(a)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

~~BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2-302~~

~~Annotated Code of Maryland
(2015 Replacement Volume and 2023 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

~~Article — Commercial Law~~

~~12-305.~~

~~(a) In granting or denying an application for a loan, a licensee may not discriminate against any loan applicant only on the basis of race, color, creed, national origin, sex, marital status, [or] age, OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.~~

~~(b) (1) A licensee is not in violation of this section if the licensee is in compliance with the federal Equal Credit Opportunity Act and the regulations adopted under that act.~~

~~(2) Denying an application for a loan by an applicant who is a minor is not discrimination on the basis of age.~~

~~12-503.~~

~~(b) (1) A seller or financial institution may not discriminate solely on the basis of sex, marital status, geographic area of residence, neighborhood of residence, [or] age, OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE, against a buyer who wishes to establish an account. Refusal to establish an account for a buyer who is under the age of 18 is not discrimination solely on the basis of age.~~

~~(2) An application, questionnaire, or other written document used to establish credit for an applicant may not contain any reference to the race, creed, color, [or] national origin, OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE, of the applicant.~~

~~(3) An investigation made for the purpose of establishing credit for an applicant may not contain any information pertaining to the race, creed, color, [or] national origin, OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE, of the applicant.~~

~~12-603.~~

~~A seller or sales finance company may not discriminate against a buyer solely on the basis of the sex, marital status, geographic area of residence, neighborhood of residence, [or] age, OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE~~

~~GOVERNMENT ARTICLE, of the buyer. Refusal to grant credit to a buyer who is under the age of 18 is not discrimination solely on the basis of age.~~

~~12-702.~~

~~(a) The General Assembly finds that there is a need to insure that the various financial institutions and other persons and firms engaged in the extension of credit exercise their responsibility to make credit available with fairness, impartiality, and without discrimination on the basis of sex or marital status. Economic stabilization would be enhanced, and competition among the various financial institutions and other persons and firms engaged in the extension of credit would be strengthened by an absence of discrimination on the basis of sex, marital status, race, color, religion, national origin, [or] age (provided the applicant has capacity to contract), OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.~~

~~(b) It is the purpose of this subtitle to require that financial institutions and other persons and firms engaged in the extension of credit do not deny credit on the basis of sex, marital status, race, color, religion, national origin, [or] age (provided the applicant has capacity to contract), OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.~~

~~12-704.~~

~~With respect to any aspect of a credit transaction:~~

~~(1) A creditor may not discriminate against any applicant on the basis of sex, marital status, race, color, religion, national origin, [or] age, OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE;~~

~~(2) A creditor that complies with the applicable provisions of the federal Equal Credit Opportunity Act, or regulations adopted under the federal Equal Credit Opportunity Act, is in compliance with the requirements of this subtitle; and~~

~~(3) Any violation of the federal Equal Credit Opportunity Act, or any regulation adopted under the federal Equal Credit Opportunity Act, is a violation of the provisions of this subtitle.~~

~~Article—Education~~

~~2-206.~~

~~(c) (1) A nonecollegiate educational institution may not operate in this State without a certificate of approval from the State Board.~~

~~(2) The State Board shall issue a certificate of approval to a noncollegiate educational institution if it finds that the facilities, conditions of entrance and scholarship, and educational qualifications and standards are adequate and appropriate for:~~

~~(i) The purposes of the institution;~~

~~(ii) The programs, training, and courses to be taught by the institution; and~~

~~(iii) The certificates and diplomas to be issued by it.~~

~~(3) The State Board may not issue a certificate of approval to an institution that:~~

~~(i) Practices discrimination based on race, color, [or] national origin, OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE; or~~

~~(ii) Does not have a policy prohibiting a principal, vice principal, or any other employee of the institution from administering corporal punishment to discipline a student.~~

~~(4) This subsection does not apply to an institution operated by a bona fide church organization, including the Amish and Mennonite church parochial schools. However, an institution that does not have a certificate of approval from the State Board may not receive State funds, except that an institution operated by a bona fide church organization is not required to have a certificate to receive State funds for eligible students in the food service program who are enrolled in nursery school through the eighth grade.~~

~~13-303.~~

~~(d) The Board of Directors shall operate the medical system without discrimination based upon race, creed, sex, [or] national origin, OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.~~

~~26-701.~~

~~(A) In this subtitle [, "race"] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "MILITARY STATUS" HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.~~

~~(C) "RACE" has the meaning stated in § 20-101 of the State Government Article.~~

~~26-703.~~

~~This subtitle does not require a nonpublic prekindergarten program or nonpublic school that is religiously affiliated to enroll, retain, or extend privileges to a student or prospective student who does not meet the usual and regular qualifications, requirements, and standards of the program or school or to adopt any rule, regulation, or policy that conflicts with the program or school's religious or moral teachings, provided that the denial, rule, regulation, or policy is not based on discrimination on the grounds of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, OR MILITARY STATUS.~~

~~26-704.~~

~~(a) This section applies to:~~

~~(1) A county board;~~

~~(2) A public prekindergarten program;~~

~~(3) A public primary or secondary school;~~

~~(4) A nonpublic prekindergarten program that receives State funds; and~~

~~(5) A nonpublic primary or secondary school that receives State funds.~~

~~(b) An entity listed under subsection (a) of this section may not:~~

~~(1) Discriminate against a current student, a prospective student, or the parent or guardian of a current or prospective student on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, OR MILITARY STATUS;~~

~~(2) Refuse enrollment of a prospective student, expel a current student, or withhold privileges from a current student, a prospective student, or the parent or guardian of a current or prospective student because of an individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, OR MILITARY STATUS; or~~

~~(3) Discipline, invoke a penalty against, or take any other retaliatory action against a student or parent or guardian of a student who files a complaint alleging that the program or school discriminated against the student, regardless of the outcome of the complaint.~~

~~(e) An entity listed under subsection (a) of this section shall print in its student handbook the following statement:~~

~~“It is the policy of the State of Maryland that all public and publicly funded schools and school programs operate in compliance with:~~

~~(1) Title VI of the federal Civil Rights Act of 1964; and~~

~~(2) Title 26, Subtitle 7 of the Education Article of the Maryland Code, which states that public and publicly funded schools and programs may not:~~

~~(i) Discriminate against a current student, a prospective student, or the parent or guardian of a current or prospective student on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, OR MILITARY STATUS;~~

~~(ii) Refuse enrollment of a prospective student, expel a current student, or withhold privileges from a current student, a prospective student, or the parent or guardian of a current or prospective student because of an individual’s race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, OR MILITARY STATUS; or~~

~~(iii) Discipline, invoke a penalty against, or take any other retaliatory action against a student or parent or guardian of a student who files a complaint alleging that the program or school discriminated against the student, regardless of the outcome of the complaint.”~~

~~Article — Health — General~~

~~§ 1001.~~

~~(a) In this subtitle the following words have the meanings indicated.~~

~~(b) “Commission” means the Commission on Civil Rights.~~

~~(c) “Gender identity” has the meaning stated in § 20-101 of the State Government Article.~~

~~(D) “MILITARY STATUS” HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.~~

~~[(d)] (E) “Sexual orientation” has the meaning stated in § 20-101 of the State Government Article.~~

~~[(e)] (F) “Unit of the Department” means a unit described under § 2-106 of this title.~~

~~§ 1002.~~

~~It is the policy of the State to:~~

~~(1) Provide affordable health care throughout the State to all regardless of race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, OR MILITARY STATUS; and~~

~~(2) Prohibit discrimination with respect to the provision of health care by any person, in order to protect and ensure the peace, health, safety, prosperity, and general welfare of all.~~

~~2-1003.~~

~~(a) (1) Notwithstanding any other law and except as provided in paragraph (2) of this subsection, the Secretary or a unit of the Department has exclusive jurisdiction to enforce by administrative action the laws of the State as provided for under this article and the Health Occupations Article.~~

~~(2) The Commission on Civil Rights has concurrent jurisdiction with the Secretary or a unit of the Department over alleged discrimination on the basis of race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, OR MILITARY STATUS.~~

~~2-1004.~~

~~(a) This section does not prohibit a person that is licensed or otherwise regulated by the Department or a unit of the Department from refusing, withholding from, or denying any person services for failure to conform to the usual and regular requirements, standards, and regulations imposed by the licensed or regulated person, unless the refusal, withholding, or denial is based on discrimination on the grounds of race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, OR MILITARY STATUS.~~

~~(b) A person that is licensed or otherwise regulated by the Department or a unit in the Department may not discriminate against any person because of the person's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, OR MILITARY STATUS.~~

~~19-342.~~

~~(d) The patient's bill of rights shall at a minimum include a statement, in plain language, that a patient has a right to:~~

~~(7) Be treated without discrimination based on race, color, national origin, ethnicity, age, gender, sexual orientation, gender identity or expression, physical or mental disability, religion, language, [or] ability to pay, OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE;~~

~~10-355.~~

~~(a) In this section, “gender identity”, “MILITARY STATUS”, and “sexual orientation” have the meanings stated in § 20-101 of the State Government Article.~~

~~(b) This section does not prohibit a hospital or related institution that is licensed or otherwise regulated by the Department or a unit of the Department from refusing, withholding from, or denying any person services for failure to conform to the usual and regular requirements, standards, and regulations imposed by the licensed or regulated hospital or related institution, unless the refusal, withholding, or denial is based on discrimination on the grounds of race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, OR MILITARY STATUS.~~

~~(c) A hospital or related institution may not discriminate against any individual with respect to the individual’s medical care because of the race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, OR MILITARY STATUS of the individual.~~

~~(d) The Commission on Civil Rights shall enforce this section as provided in Title 20 of the State Government Article.~~

~~Article Human Services~~

~~§ 707.~~

~~(b) A contract awarded or renewed between an agency and a provider shall require the provider to:~~

~~(1) post conspicuously a “Residents’ Bill of Rights” in the facility of the provider stating that a resident has a right:~~

~~(viii) not to be discriminated against on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, [or] place of residence or business, OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE; and~~

~~Article Insurance~~

~~2-202.~~

~~(a) (1) Notwithstanding any other law and except as provided in paragraph (2) of this subsection, the Commissioner has exclusive jurisdiction to enforce by administrative action the laws of the State that relate to the underwriting or rate setting practices of an insurer.~~

~~(2) The Commission on Civil Rights has concurrent jurisdiction with the Commissioner over alleged discrimination on the basis of race, creed, color, [or] national origin, OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.~~

~~15-1A-22.~~

~~(a) (1) In this section the following words have the meanings indicated.~~

~~(2) "Gender identity" has the meaning stated in § 20-101 of the State Government Article.~~

~~(3) "MILITARY STATUS" HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.~~

~~[(3)] (4) "Sexual orientation" has the meaning stated in § 20-101 of the State Government Article.~~

~~(b) This section does not prohibit a carrier from refusing, withholding, or denying coverage under a health benefit plan to any individual for failure to conform to the usual and regular requirements, standards, and regulations of the carrier, unless the denial is based on discrimination on the grounds of race, sex, color, creed, national origin, marital status, sexual orientation, age, gender identity, [or] disability, OR MILITARY STATUS.~~

~~(c) This section does not apply to limitations or restrictions related to age or marital status that are specifically authorized or required under this article to limit or restrict eligibility for insurance coverage or benefits.~~

~~(d) A carrier may not refuse, withhold, or deny any individual coverage under a health benefit plan offered by the carrier or otherwise discriminate against any individual because of the individual's race, sex, creed, color, national origin, marital status, sexual orientation, age, gender identity, [or] disability, OR MILITARY STATUS.~~

~~(e) The Commission on Civil Rights shall enforce the provisions of this section as provided for in § 2-202 of this article.~~

~~Article — Public Utilities~~

~~7-507.~~

~~(h) (1) An electricity supplier may not discriminate against any customer based wholly or partly on race, color, creed, national origin, [or] sex, OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE, of an applicant for service or for any arbitrary, capricious, or unfairly discriminatory reason.~~

~~17-402.~~

~~The Commission may not discriminate against a person on the basis of sex, race, creed, color, age, mental or physical disability, sexual orientation, religion, marital status, gender identity, genetic information, family responsibilities, [or] national origin, OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.~~

~~17-402.1.~~

~~(a) (1) The Commission may not enter into a contract unless the contract contains a provision obliging the contractor:~~

~~(i) not to discriminate in any manner against an employee or an applicant for employment on the basis of sex, race, creed, color, age, mental or physical disability, sexual orientation, religion, marital status, gender identity, genetic information, [or] national origin, OR MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE; and~~

~~(ii) to include a similar nondiscrimination provision in all subcontracts.~~

Article – State Government

20-101.

(a) In Subtitles 1 through 11 of this title the following words have the meanings indicated.

(b) “Commission” means the Commission on Civil Rights.

(c) “Complainant” means a person that files a complaint alleging a discriminatory act under this title.

(d) “Discriminatory act” means an act prohibited under:

(1) Subtitle 3 of this title (Discrimination in Places of Public Accommodation);

(2) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated by Maryland Department of Labor);

(3) Subtitle 5 of this title (Discrimination in Leasing of Commercial Property);

(4) Subtitle 6 of this title (Discrimination in Employment);

(5) Subtitle 7 of this title (Discrimination in Housing); or

(6) Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory Act; Obstructing Compliance).

(e) “Gender identity” means the gender-related identity, appearance, expression, or behavior of a person, regardless of the person’s assigned sex at birth, which may be demonstrated by:

(1) consistent and uniform assertion of the person’s gender identity; or

(2) any other evidence that the gender identity is sincerely held as part of the person’s core identity.

(F) “MILITARY STATUS” MEANS THE STATUS OF BEING:

(1) A MEMBER OF THE UNIFORMED SERVICES, AS DEFINED IN 10 U.S.C. § 101;

(2) A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, AS LISTED IN 10 U.S.C. § 10101; OR

~~(3) A VETERAN, AS DEFINED IN 30 U.S.C. § 101(2); OR~~

~~(4)~~ A DEPENDENT, AS DEFINED IN 50 U.S.C. § 3911(4).

[(f)] (G) “Protective hairstyle” includes braids, twists, and locks.

[(g)] (H) “Race” includes traits associated with race, including hair texture, afro hairstyles, and protective hairstyles.

[(h)] (I) (1) “Respondent” means a person accused in a complaint of a discriminatory act.

(2) “Respondent” includes a person identified during an investigation of a complaint and joined as an additional or substitute respondent.

[(i)] (J) “Sexual orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

~~20-302.~~

~~This subtitle does not prohibit the proprietor or employees of any establishment from denying service to any person for failure to conform to the usual and regular requirements, standards, and regulations of the establishment, provided that the denial is not based on~~

~~discrimination on the grounds of race, sex, age, color, creed, national origin, marital status, sexual orientation, gender identity, [or] disability, OR MILITARY STATUS.~~

~~20-304.~~

~~An owner or operator of a place of public accommodation or an agent or employee of the owner or operator may not refuse, withhold from, or deny to any person any of the accommodations, advantages, facilities, or privileges of the place of public accommodation because of the person's race, sex, age, color, creed, national origin, marital status, sexual orientation, gender identity, [or] disability, OR MILITARY STATUS.~~

~~20-401.~~

~~This subtitle does not prohibit any person that is licensed or regulated by the Maryland Department of Labor from refusing, withholding from, or denying accommodations, advantages, facilities, privileges, sales, or services to any person for failure to conform to the usual and regular requirements, standards, and regulations of the licensed or regulated person, provided that the denial is not based on discrimination on the grounds of race, sex, color, creed, national origin, marital status, sexual orientation, age, gender identity, [or] disability, OR MILITARY STATUS.~~

~~20-402.~~

~~A person that is licensed or regulated by a unit in the Maryland Department of Labor listed in § 2-108 of the Business Regulation Article may not refuse, withhold from, or deny any person any of the accommodations, advantages, facilities, privileges, sales, or services of the licensed or regulated person or discriminate against any person because of the person's race, sex, creed, color, national origin, marital status, sexual orientation, age, gender identity, [or] disability, OR MILITARY STATUS.~~

~~20-501.~~

~~An owner or operator of commercial property, an agent or employee of the owner or operator of commercial property, or a person that is licensed or regulated by the State may not discriminate against an individual in the terms, conditions, or privileges of the leasing of property for commercial use, or in the provision of services or facilities in connection with the leasing of property for commercial use, because of the individual's race, color, religion, sex, age, disability, marital status, sexual orientation, gender identity, [or] national origin, OR MILITARY STATUS.~~

~~20-601.~~

(a) In this subtitle the following words have the meanings indicated.

(h) "Harassment" includes:

(1) unwelcome and offensive conduct, which need not be severe or pervasive, when:

(i) the conduct is based on race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, [or] disability, **OR MILITARY STATUS**; and

(ii) 1. submission to the conduct is made either explicitly or implicitly a term or condition of employment of an individual;

2. submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or

3. based on the totality of the circumstances, the conduct unreasonably creates a working environment that a reasonable person would perceive to be abusive or hostile; and

(2) sexual harassment.

20–602.

It is the policy of the State, in the exercise of its police power for the protection of the public safety, public health, and general welfare, for the maintenance of business and good government, and for the promotion of the State's trade, commerce, and manufacturers:

(1) to assure all persons equal opportunity in receiving employment and in all labor management–union relations, regardless of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, **MILITARY STATUS**, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; and

(2) to that end, to prohibit discrimination in employment by any person.

20–603.

This subtitle does not require:

(1) an employer, employment agency, labor organization, or joint labor–management committee subject to this subtitle to grant preferential treatment to any individual or group on the basis of the race, color, religion, sex, age, national origin, gender identity, sexual orientation, [or] disability, **OR MILITARY STATUS** of the individual or group because an imbalance may exist with respect to the total number or percentage of individuals of any race, color, religion, sex, age, national origin, gender identity, [or] sexual orientation, **OR MILITARY STATUS** or individuals with disabilities employed by the employer, referred or classified for employment by the employment agency or labor organization, admitted to membership or classified by the labor organization, or admitted

1 to, or employed in, any apprenticeship or other training program, compared to the total
2 number or percentage of individuals of that race, color, religion, sex, age, national origin,
3 gender identity, [or] sexual orientation, **OR MILITARY STATUS** or individuals with
4 disabilities in the State or any community, section, or other area, or in the available work
5 force in the State or any community, section, or other area; or

6 (2) an employer to reasonably accommodate an employee's religion or
7 disability, or an applicant for employment's disability, if the accommodation would cause
8 undue hardship on the conduct of the employer's business.

9 20-604.

10 This subtitle does not apply to:

11 (1) an employer with respect to the employment of aliens outside of the
12 State; or

13 (2) a religious corporation, association, educational institution, or society
14 with respect to the employment of individuals of a particular religion, sexual orientation,
15 [or] gender identity, **OR MILITARY STATUS** to perform work connected with the activities
16 of the religious entity.

17 20-605.

18 (a) Notwithstanding any other provision of this subtitle, this subtitle does not
19 prohibit:

20 (1) an employer from hiring and employing employees, an employment
21 agency from classifying or referring for employment any individual, a labor organization
22 from classifying its membership or classifying or referring for employment any individual,
23 or an employer, labor organization, or joint labor-management committee controlling
24 apprenticeship or other training or retraining programs from admitting or employing any
25 individual in a program, on the basis of the individual's sex, age, religion, national origin,
26 [or] disability, **OR MILITARY STATUS**, if sex, age, religion, national origin, [or] disability,
27 **OR MILITARY STATUS** is a bona fide occupational qualification reasonably necessary to the
28 normal operation of that business or enterprise;

29 (2) an employer from establishing and requiring an employee to adhere to
30 reasonable workplace appearance, grooming, and dress standards that are directly related
31 to the nature of the employment of the employee and that are not precluded by any
32 provision of State or federal law, as long as the employer allows any employee to appear,
33 groom, and dress consistent with the employee's gender identity;

34 (3) a school, college, university, or other educational institution from hiring
35 and employing employees of a particular religion, if:

(i) the institution is wholly or substantially owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society; or

(ii) the curriculum of the institution is directed toward the propagation of a particular religion; or

(4) except as provided in subsection (b) of this section, an employer, employment agency, or labor organization from observing the terms of a bona fide seniority system or any bona fide employee benefit plan, such as a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this subtitle.

(b) An employee benefit plan may not excuse the failure to hire any individual.

20–606.

(a) An employer may not:

(1) fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment because of:

(i) the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, **MILITARY STATUS**, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; or

(ii) the individual's refusal to submit to a genetic test or make available the results of a genetic test;

(2) limit, segregate, or classify its employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee because of:

(i) the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, **MILITARY STATUS**, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment; or

(ii) the individual's refusal to submit to a genetic test or make available the results of a genetic test;

(3) request or require genetic tests or genetic information as a condition of hiring or determining benefits;

1 (4) fail or refuse to make a reasonable accommodation for the known
2 disability of an otherwise qualified employee or an applicant for employment; or

3 (5) engage in harassment of an employee.

4 (b) An employment agency may not:

5 (1) fail or refuse to refer for employment or otherwise discriminate against
6 any individual because of the individual's race, color, religion, sex, age, national origin,
7 marital status, sexual orientation, gender identity, **MILITARY STATUS**, or disability
8 unrelated in nature and extent so as to reasonably preclude the performance of the
9 employment; or

10 (2) classify or refer for employment any individual on the basis of the
11 individual's race, color, religion, sex, age, national origin, marital status, sexual
12 orientation, gender identity, **MILITARY STATUS**, or disability unrelated in nature and
13 extent so as to reasonably preclude the performance of the employment.

14 (c) A labor organization may not:

15 (1) exclude or expel from its membership, or otherwise discriminate
16 against, any individual because of the individual's race, color, religion, sex, age, national
17 origin, marital status, sexual orientation, gender identity, **MILITARY STATUS**, or disability
18 unrelated in nature and extent so as to reasonably preclude the performance of the
19 employment;

20 (2) limit, segregate, or classify its membership, or classify or fail or refuse
21 to refer for employment any individual, in any way that would deprive or tend to deprive
22 the individual of employment opportunities, limit the individual's employment
23 opportunities, or otherwise adversely affect the individual's status as an employee or as an
24 applicant for employment because of the individual's race, color, religion, sex, age, national
25 origin, marital status, sexual orientation, gender identity, **MILITARY STATUS**, or disability
26 unrelated in nature and extent so as to reasonably preclude the performance of the
27 employment; or

28 (3) cause or attempt to cause an employer to discriminate against an
29 individual in violation of this section.

30 (d) An employer, labor organization, or joint labor-management committee
31 controlling apprenticeship or other training or retraining programs, including on-the-job
32 training programs, may not discriminate against any individual in admission to, or
33 employment in, any program established to provide apprenticeship or other training or
34 retraining because of the individual's race, color, religion, sex, age, national origin, marital
35 status, sexual orientation, gender identity, **MILITARY STATUS**, or disability unrelated in
36 nature and extent so as to reasonably preclude the performance of the employment.

(e) (1) Except as provided in paragraph (2) of this subsection, an employer, labor organization, or employment agency may not print or cause to be printed or published any notice or advertisement relating to employment by the employer, membership in or any classification or referral for employment by the labor organization, or any classification or referral for employment by the employment agency that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, **OR MILITARY STATUS**.

(2) A notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, age, national origin, marital status, [or] disability, **OR MILITARY STATUS** if religion, sex, age, national origin, marital status, [or] disability, **OR MILITARY STATUS** is a bona fide occupational qualification for employment.

(f) An employer may not discriminate or retaliate against any of its employees or applicants for employment, an employment agency may not discriminate against any individual, and a labor organization may not discriminate or retaliate against any member or applicant for membership because the individual has:

(1) opposed any practice prohibited by this subtitle; or

(2) made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subtitle.

20–610.

(a) In this section, “intern” means an individual who performs work for an employer for the purpose of training if:

(1) the employer is not committed to hire the individual at the conclusion of the training period;

(2) the employer and the individual agree that the individual is not entitled to wages for the work performed; and

(3) the work performed:

(i) supplements training given in an educational environment that may enhance the employability of the individual;

(ii) provides experience for the benefit of the individual;

(iii) does not displace regular employees; and

(iv) is performed under the close supervision of existing staff.

(b) An employer may not:

(1) fail or refuse to offer an internship, terminate an internship, or otherwise discriminate against an individual with respect to the terms, conditions, or privileges of an internship because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, **MILITARY STATUS**, or disability unrelated in nature and extent so as to reasonably preclude the performance of the internship;

(2) limit, segregate, or classify its interns or applicants for internships in any way that would deprive or tend to deprive any individual of internship opportunities or otherwise adversely affect the individual's status as an intern because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, **MILITARY STATUS**, or disability unrelated in nature and extent so as to reasonably preclude the performance of the internship;

(3) fail or refuse to make a reasonable accommodation for the known disability of an otherwise qualified intern; or

(4) discriminate or retaliate against any of its interns or applicants for internships because the individual has:

(i) opposed any practice prohibited by this subtitle; or

(ii) made a charge, testified, assisted, or participated in any manner in an investigation, a proceeding, or a hearing under this subtitle.

(c) (1) Except as provided in paragraph (2) of this subsection, an employer may not print or cause to be printed or published any notice or advertisement relating to an internship with the employer that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, **OR MILITARY STATUS**.

(2) A notice or an advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, age, national origin, marital status, [or] disability, **OR MILITARY STATUS** if religion, sex, age, national origin, marital status, [or] disability, **OR MILITARY STATUS** is a bona fide occupational qualification for the internship.

(d) An intern claiming to be aggrieved by an alleged discriminatory act prohibited under this section:

(1) shall have access to any internal procedure the employer has for resolving a complaint by an employee of sexual harassment or other discrimination; or

(2) if the employer does not have an internal procedure for resolving a complaint of sexual harassment or other discrimination, may file a complaint with the Commission for the nonmonetary administrative remedies provided under Subtitle 10 of this title.

(e) This section does not create and may not be construed as creating an employment relationship between an employer and an intern for the purposes of:

(1) a civil cause of action or monetary damages under Subtitle 10 of this title;

(2) any provision of the Labor and Employment Article; or

(3) any provision of the State Personnel and Pensions Article.

20–702.

(a) It is the policy of the State:

(1) to provide for fair housing throughout the State to all, regardless of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, disability, [or] source of income, **OR MILITARY STATUS**; and

(2) to that end, to prohibit discriminatory practices with respect to residential housing by any person, in order to protect and ensure the peace, health, safety, prosperity, and general welfare of all.

(b) This subtitle:

(1) is an exercise of the police power of the State for the protection of the people of the State; and

(2) shall be administered and enforced by the Commission and, as provided in this title, enforced by the appropriate State court.

20–704.

(a) This subtitle does not apply to:

(1) the sale or rental of a single-family dwelling, if the dwelling is sold or rented without:

(i) the use of the sales or rental facilities or services of any:

1. real estate broker, agent, or salesperson;

2. agent of any real estate broker, agent, or salesperson;

1 3. person in the business of selling or renting dwellings; or

2 4. agent of a person in the business of selling or renting
3 dwellings; or

4 (ii) the publication, posting, or mailing, after notice, of any
5 advertisement or written notice in violation of this subtitle; and

6 (2) with respect to discrimination on the basis of sex, sexual orientation,
7 gender identity, marital status, **MILITARY STATUS**, or source of income if the source of
8 income is low-income housing assistance certificates or vouchers issued under the United
9 States Housing Act of 1937:

10 (i) the rental of rooms in any dwelling, if the owner maintains the
11 dwelling as the owner's principal residence; or

12 (ii) the rental of any apartment in a dwelling that contains not more
13 than five rental units, if the owner maintains the dwelling as the owner's principal
14 residence.

15 20–705.

16 Except as provided in §§ 20–703 and 20–704 of this subtitle, a person may not:

17 (1) refuse to sell or rent after the making of a bona fide offer, refuse to
18 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any
19 person because of race, color, religion, sex, disability, marital status, familial status, sexual
20 orientation, gender identity, national origin, [or] source of income, **OR MILITARY STATUS**;

21 (2) discriminate against any person in the terms, conditions, or privileges
22 of the sale or rental of a dwelling, or in the provision of services or facilities in connection
23 with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital
24 status, familial status, sexual orientation, gender identity, national origin, [or] source of
25 income, **OR MILITARY STATUS**;

26 (3) make, print, or publish, or cause to be made, printed, or published, any
27 notice, statement, or advertisement with respect to the sale or rental of a dwelling that
28 indicates any preference, limitation, or discrimination based on race, color, religion, sex,
29 disability, marital status, familial status, sexual orientation, gender identity, national
30 origin, [or] source of income, **OR MILITARY STATUS**, or an intention to make any
31 preference, limitation, or discrimination;

32 (4) represent to any person, because of race, color, religion, sex, disability,
33 marital status, familial status, sexual orientation, gender identity, national origin, [or]

source of income, **OR MILITARY STATUS**, that any dwelling is not available for inspection, sale, or rental when the dwelling is available; or

(5) for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR MILITARY STATUS**.

20–707.

(a) In this section, “residential real estate–related transaction” means:

(1) the making or purchasing of loans or providing other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(ii) secured by residential real estate; or

(2) the selling, brokering, or appraising of residential real property.

(b) (1) A person whose business includes engaging in residential real estate–related transactions may not discriminate against any person in making available a transaction, or in the terms or conditions of a transaction, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR MILITARY STATUS**.

(2) Paragraph (1) of this subsection does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR MILITARY STATUS**.

(c) A person may not, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR MILITARY STATUS**:

(1) deny a person access to, or membership or participation in, a multiple–listing service, real estate brokers’ organization, or other service, organization, or facility relating to the business of selling or renting dwellings; or

(2) discriminate against a person in the terms or conditions of membership or participation.

20–1103.

(b) Whether or not acting under color of law, a person may not, by force or threat of force, willfully injure, intimidate, interfere with, or attempt to injure, intimidate, or interfere with:

(1) any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR MILITARY STATUS** and because the person is or has been:

(i) selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling; or

(ii) applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings;

(2) any person because the person is or has been, or in order to intimidate the person or any other person or any class of persons from:

(i) participating, without discrimination on account of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR MILITARY STATUS**, in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(ii) affording another person or class of persons the opportunity or protection to participate in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(3) any person because the person is or has been, or in order to discourage the person or any other person from:

(i) lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, national origin, [or] source of income, **OR MILITARY STATUS**, in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(ii) participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate in any of the activities, services, organizations, or facilities described in item (1) of this subsection.

~~Article—State Personnel and Pensions~~

~~2-302.~~

~~(a) The State recognizes and honors the value and dignity of every person and understands the importance of providing employees and applicants for employment with a~~

~~fair opportunity to pursue their careers in an environment free of discrimination or harassment prohibited by law.~~

~~(b) (1) Except as provided in paragraph (2) of this subsection or by other law, all personnel actions concerning a State employee or applicant for employment in State government shall be made without regard to:~~

~~(i) age;~~

~~(ii) ancestry;~~

~~(iii) color;~~

~~(iv) creed;~~

~~(v) gender identity;~~

~~(vi) marital status;~~

~~(vii) mental or physical disability;~~

~~(VIII) MILITARY STATUS, AS DEFINED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE;~~

~~[(viii)] (IX) national origin;~~

~~[(ix)] (X) race;~~

~~[(x)] (XI) religious affiliation, belief, or opinion;~~

~~[(xi)] (XII) sex; or~~

~~[(xii)] (XIII) sexual orientation.~~

~~(2) A personnel action may be taken with regard to age, sex, or disability to the extent that age, sex, or physical or mental qualification is required by law or is a bona fide occupational qualification.~~

~~(c) (1) Each State employee is expected to assume personal responsibility and leadership in ensuring fair employment practices and equal employment opportunity in Maryland State government.~~

~~(2) Employment discrimination and harassment by State managers, supervisors, or other employees is prohibited.~~

~~(3) A State employee who violates this subtitle is subject to disciplinary action by the employee's appointing authority, including the termination of State employment.~~

~~(d) The Equal Employment Opportunity Program in Title 5, Subtitle 2 of this article governs all employees of any unit in the Executive Branch of State government, including a unit with an independent personnel system.~~

~~(e) (1) At least annually, the Secretary shall report on the Equal Employment Opportunity Program established in § 5-202 of this article to the Joint Committee on Fair Practices and State Personnel Oversight.~~

~~(2) The head of a personnel system in the Legislative and Judicial branches may report periodically on equal employment opportunity programs and policies in effect in that personnel system to the Joint Committee on Fair Practices and State Personnel Oversight.~~

SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act may not be applied or interpreted to limit the authority granted to the Attorney General under Title 20, Subtitle 10, Part III of the State Government Article.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.