

HOUSE BILL 1297

K3
HB 1045/21 – ECM

2lr1428

By: **Delegates Wivell, Boteler, McComas, McKay, Morgan, and Thiam**

Introduced and read first time: February 11, 2022

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Elective Medical Procedures – Employee Protections**

3 FOR the purpose of prohibiting an employer from requiring an employee to undergo an
4 elective medical procedure except under certain circumstances and from retaliating
5 against an employee who declines to undergo an elective medical procedure; and
6 generally relating to employment and medical procedures.

7 BY adding to

8 Article – Labor and Employment

9 Section 3–718

10 Annotated Code of Maryland

11 (2016 Replacement Volume and 2021 Supplement)

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

14 **Article – Labor and Employment**

15 **3–718.**

16 (A) AN EMPLOYER MAY NOT REQUIRE AN EMPLOYEE TO UNDERGO AN
17 ELECTIVE MEDICAL PROCEDURE UNLESS THE PROCEDURE WOULD HAVE A
18 SUBSTANTIAL EFFECT ON THE EMPLOYEE’S CAPACITY OR FITNESS TO PERFORM THE
19 JOB PROPERLY.

20 (B) AN EMPLOYER MAY NOT RETALIATE AGAINST AN EMPLOYEE WHO
21 DECLINES TO UNDERGO AN ELECTIVE MEDICAL PROCEDURE UNDER SUBSECTION
22 (A) OF THIS SECTION.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2022.