

SENATE BILL 809

K3

CONSTITUTIONAL AMENDMENT

5lr1540
CF 5lr1536

By: **Senator McCray**

Introduced and read first time: January 28, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Declaration of Rights – Right to Minimum Wage for Tipped Workers**

3 FOR the purpose of establishing that every person, as a central component of an
4 individual's right to liberty and equality, has the fundamental right while engaged
5 in employment in the State with respect to which the payment of a tip is customary,
6 to be paid at a wage rate that is at least equal to the State minimum wage rate set
7 by law without regard to tips that the individual receives; and prohibiting the State
8 from, directly or indirectly, denying, burdening, or abridging the right unless
9 justified by a compelling State interest achieved by the least restrictive means.

10 BY proposing an addition to the Maryland Constitution
11 Declaration of Rights
12 Article 49

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

16 **Declaration of Rights**

17 **ARTICLE 49.**

18 **THAT EVERY PERSON, AS A CENTRAL COMPONENT OF AN INDIVIDUAL'S RIGHT**
19 **TO LIBERTY AND EQUALITY, HAS THE FUNDAMENTAL RIGHT WHILE ENGAGED IN**
20 **EMPLOYMENT IN THE STATE WITH RESPECT TO WHICH THE PAYMENT OF A TIP IS**
21 **CUSTOMARY, TO BE PAID AT A WAGE RATE THAT IS AT LEAST EQUAL TO THE STATE**
22 **MINIMUM WAGE RATE SET BY LAW WITHOUT REGARD TO TIPS THAT THE INDIVIDUAL**
23 **RECEIVES. THE STATE MAY NOT, DIRECTLY OR INDIRECTLY, DENY, BURDEN, OR**
24 **ABRIDGE THE RIGHT UNLESS JUSTIFIED BY A COMPELLING STATE INTEREST**
25 **ACHIEVED BY THE LEAST RESTRICTIVE MEANS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The amendment to the Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in November 2026 for adoption or rejection in accordance with Article XIV of the Maryland Constitution.

(b) (1) At that general election, the vote on the proposed amendment to the Constitution shall be by ballot, and on each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment", as now provided by law.

(2) At that general election, a question substantially similar to the following shall be submitted to the qualified voters of the State:

"Question ____ Constitutional Amendment

The proposed amendment confirms an individual's fundamental right, while engaged in employment in the State with respect to which the payment of a tip is customary, to be paid at a wage rate that is at least equal to the State minimum wage rate without regard to tips the individual receives and provides that the State may not, directly or indirectly, deny, burden, or abridge the right unless justified by a compelling State interest achieved by the least restrictive means."

(c) Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.