By. Senators Madaleno, Raskin, Manno, Benson, Conway, Currie, Feldman, Ferguson, Forehand, Frosh, Gladden, Jones-Rodwell, Kasemeyer, Kelley, King, Kittleman, McFadden, Montgomery, Pinsky, Pugh, Ramirez, Robey, Rosapepe, Young, and Zirkin

Introduced and read first time: January 16, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments Senate action: Adopted with floor amendments Read second time: February 28, 2014

CHAPTER _____

1 AN ACT concerning

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Fairness for All Marylanders Act of 2014

- 3 FOR the purpose of prohibiting discrimination based on gender identity with regard to 4 public accommodations, housing, and employment; altering the applicability of $\mathbf{5}$ certain provisions of law prohibiting discrimination in places of public 6 accommodation; prohibiting discrimination based on gender identity by certain 7 licensed or regulated persons; prohibiting discrimination based on sexual 8 orientation or gender identity with regard to the leasing of property for 9 commercial usage or in the provision of certain services or facilities; altering the 10 applicability of certain provisions of law prohibiting discrimination in employment; altering a certain exception for employers that relates to 11 standards concerning dress and grooming; providing that an employer is 1213 immune from certain liability for certain acts to verify the gender identity of any employee or applicant in response to a certain charge; making certain 1415remedies and procedures regarding discrimination applicable to discrimination 16 based on sexual orientation and gender identity; requiring certain State 17personnel actions to be made without regard to gender identity or sexual 18 orientation; defining the term "gender identity"; making certain conforming 19 changes; making certain legislative findings and declarations; and generally 20relating to discrimination based on sexual orientation and gender identity.
- 21 BY renumbering

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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



$1 \\ 2 \\ 3 \\ 4 \\ 5$	Article – State Government Section 20–101(e) and (f), respectively to be Section 20–101(f) and (g), respectively Annotated Code of Maryland (2009 Replacement Volume and 2013 Supplement)
	BY adding to Article – State Government Section 20–101(e) and 20–102 Annotated Code of Maryland (2009 Replacement Volume and 2013 Supplement)
$11 \\ 12 \\ 13 \\ 14 \\ 15$	BY repealing and reenacting, without amendments, Article – State Government Section 20–301 and 20–303 Annotated Code of Maryland (2009 Replacement Volume and 2013 Supplement)
16 17 18 19 20 21 22	BY repealing and reenacting, with amendments, Article – State Government Section 20–302, <u>20–303</u> , 20–304, 20–401, 20–402, 20–501, 20–602, 20–603, <u>20–604</u> , 20–605(a)(2), 20–606(a) through (e), 20–608, 20–702(a), 20–704(a)(2), 20–705, 20–707(b) and (c), and 20–1103(b) Annotated Code of Maryland (2009 Replacement Volume and 2013 Supplement)
23 24 25 26 27	BY repealing and reenacting, with amendments, Article – State Personnel and Pensions Section 2–302 Annotated Code of Maryland (2009 Replacement Volume and 2013 Supplement)
28 29 30 31	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 20–101(e) and (f), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 20–101(f) and (g), respectively.
$\frac{32}{33}$	SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:
34	Article – State Government
35	20–101.
$\frac{36}{37}$	(E) "Gender identity" means a gender-related identity, Appearance, expression, or behavior of an individual regardless of

38 THE INDIVIDUAL'S ASSIGNED SEX AT BIRTH.

 $\mathbf{2}$

1	(e) "Gender identity" means a persistent, bona fide
$\frac{1}{2}$	GENDER-RELATED IDENTITY AND THE CONSISTENT, PUBLIC MANIFESTATION
$\frac{2}{3}$	OF THAT IDENTITY IN THE GENDER-RELATED APPEARANCE OF AN INDIVIDUAL
4	REGARDLESS OF THE INDIVIDUAL'S ASSIGNED SEX AT BIRTH
5	GENDER-RELATED IDENTITY, APPEARANCE, EXPRESSION, OR BEHAVIOR OF A
6	PERSON, REGARDLESS OF THE PERSON'S ASSIGNED SEX AT BIRTH, WHICH MAY
7	BE DEMONSTRATED BY:
•	<u>BE DEMONSTRATED DT.</u>
8	(1) CONSISTENT AND UNIFORM ASSERTION OF THE PERSON'S
9	GENDER IDENTITY; OR
U	
10	(2) ANY OTHER EVIDENCE THAT THE GENDER IDENTITY IS
11	SINCERELY HELD AS PART OF THE PERSON'S CORE IDENTITY.
12	20–102.
13	THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:
14	(1) THERE IS A NEED TO PROHIBIT DISCRIMINATION ON THE
15	BASIS OF RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, AGE, SEX,
16	MARITAL STATUS, DISABILITY, SEXUAL ORIENTATION, AND GENDER IDENTITY IN
17	THE AREAS OF EMPLOYMENT, HOUSING, CREDIT, AND PUBLIC
18	ACCOMMODATIONS;
19	(2) THE STATE HAS THE RESPONSIBILITY TO ACT TO ASSURE
20	that every individual within the State is afforded an equal
21	OPPORTUNITY TO ENJOY A FULL AND PRODUCTIVE LIFE, AND THE FAILURE TO
22	PROVIDE SUCH EQUAL OPPORTUNITY, WHETHER BECAUSE OF DISCRIMINATION,
23	PREJUDICE, OR INTOLERANCE, THREATENS THE WELFARE OF THE STATE AND
24	ITS INHABITANTS;
25	(3) MANY RESIDENTS OF THE STATE HAVE ENCOUNTERED
26	PREJUDICE ON ACCOUNT OF THEIR RACE, COLOR, RELIGION, ANCESTRY,
27	NATIONAL ORIGIN, AGE, SEX, MARITAL STATUS, DISABILITY, SEXUAL
28	ORIENTATION, OR GENDER IDENTITY, AND THIS PREJUDICE HAS SEVERELY
29	LIMITED OR ACTUALLY PREVENTED ACCESS TO BASIC NECESSITIES OF LIFE,
30	LEADING TO DEPRIVATION AND SUFFERING;
31	(4) THE OPPORTUNITY TO OBTAIN EMPLOYMENT, HOUSING,

32 CREDIT, AND PUBLIC ACCOMMODATIONS WITHOUT DISCRIMINATION IS HEREBY
 33 RECOGNIZED AS AND DECLARED TO BE A CIVIL RIGHT; AND

1 THESE FINDINGS ARE INTENDED TO CODIFY THE PRINCIPLES (5) $\mathbf{2}$ OF JUSTICE AND EQUAL OPPORTUNITY AND TO ENSURE THAT THE PUBLIC 3 UNDERSTANDS THAT DISCRIMINATION ON THE BASIS OF RACE, COLOR, 4 RELIGION, ANCESTRY, NATIONAL ORIGIN, AGE, SEX, MARITAL STATUS, DISABILITY. SEXUAL ORIENTATION. OR GENDER IDENTITY IS EXPRESSLY $\mathbf{5}$ 6 PROHIBITED. 7 20 - 301.8 In this subtitle, "place of public accommodation" means: 9 an inn, hotel, motel, or other establishment that provides lodging (1)10 to transient guests; 11 a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or (2)12other facility principally engaged in selling food or alcoholic beverages for consumption 13on or off the premises, including a facility located on the premises of a retail establishment or gasoline station; 14a motion picture house, theater, concert hall, sports arena, 15(3)stadium, or other place of exhibition or entertainment; 1617(4) a retail establishment that: (i) is operated by a public or private entity; and 18 19(ii) offers goods. services, entertainment, recreation, or 20transportation; and 21(5)an establishment: 22that is physically located within the premises of any (i) 1. other establishment covered by this subtitle; or 23242. within the premises of which any other establishment 25covered by this subtitle is physically located; and 26that holds itself out as serving patrons of the covered (ii) 27establishment. 2820 - 302. 29This subtitle does not prohibit the proprietor or employees of any establishment 30 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 31

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1 denial is not based on discrimination on the grounds of race, sex, age, color, creed, 2 national origin, marital status, sexual orientation, GENDER IDENTITY, or disability. 3 20 - 303.**(**A**)** 4 This subtitle does not apply: $\mathbf{5}$ (1)to a private club or other establishment that is not open to the 6 public, except to the extent that the facilities of the private club or other establishment 7are made available to the customers or patrons of an establishment within the scope of this subtitle: 8 9 (2)with respect to sex discrimination, to a facility that is: uniquely private and personal in nature; and 10 (i) 11 (ii) designed to accommodate only a particular sex; and 12(3)to an establishment providing lodging to transient guests located within a building that: 13 14(i) contains not more than five rooms for rent or hire; and is occupied by the proprietor of the establishment as the 15(ii) 16 proprietor's residence. 17**(B)** (1) **(I)** IN THIS SUBSECTION THE FOLLOWING WORDS HAVE 18THE MEANINGS INDICATED. 19 **"EQUIVALENT PRIVATE SPACE" MEANS A SPACE THAT IS (II)** FUNCTIONALLY EQUIVALENT TO THE SPACE MADE AVAILABLE TO USERS OF A 2021PRIVATE FACILITY. 22**"PRIVATE FACILITY" MEANS A FACILITY:** (III) 231. THAT IS DESIGNED TO ACCOMMODATE ONLY A 24**PARTICULAR SEX;** 252. THAT IS DESIGNED TO BE USED SIMULTANEOUSLY 26BY MORE THAN ONE USER OF THE SAME SEX; AND 273. IN WHICH IT IS CUSTOMARY TO DISROBE IN VIEW 28OF OTHER USERS OF THE FACILITY.

4 (3) THIS SUBTITLE DOES NOT APPLY, WITH RESPECT TO GENDER 5 IDENTITY, TO A PRIVATE FACILITY, IF THE PLACE OF PUBLIC ACCOMMODATION 6 IN WHICH THE PRIVATE FACILITY IS LOCATED MAKES AVAILABLE, FOR THE USE 7 OF PERSONS WHOSE GENDER IDENTITY IS DIFFERENT FROM THEIR ASSIGNED 8 SEX AT BIRTH, AN EQUIVALENT PRIVATE SPACE.

9 20-304.

10 An owner or operator of a place of public accommodation or an agent or 11 employee of the owner or operator may not refuse, withhold from, or deny to any 12 person any of the accommodations, advantages, facilities, or privileges of the place of 13 public accommodation because of the person's race, sex, age, color, creed, national 14 origin, marital status, sexual orientation, **GENDER IDENTITY**, or disability.

15 20-401.

16 This subtitle does not prohibit any person that is licensed or regulated by the 17 Department of Labor, Licensing, and Regulation from refusing, withholding from, or 18 denying accommodations, advantages, facilities, privileges, sales, or services to any 19 person for failure to conform to the usual and regular requirements, standards, and 20 regulations of the licensed or regulated person, provided that the denial is not based 21 on discrimination on the grounds of race, sex, color, creed, national origin, marital 22 status, sexual orientation, age, **GENDER IDENTITY**, or disability.

23 20-402.

A person that is licensed or regulated by a unit in the Department of Labor, Licensing, and Regulation 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.

30 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.

1 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:

6 (1) to assure all persons equal opportunity in receiving employment 7 and in all labor management—union relations, regardless of race, color, religion, 8 ancestry or national origin, sex, age, marital status, sexual orientation, **GENDER** 9 **IDENTITY**, or disability unrelated in nature and extent so as to reasonably preclude 10 the performance of the employment; and

11 (2) to that end, to prohibit discrimination in employment by any 12 person.

- 13 20-603.
- 14 This subtitle does not require:

15(1)an employer, employment agency, labor organization, or joint 16 labor-management committee subject to this subtitle to grant preferential treatment 17to any individual or group on the basis of the race, color, religion, sex, age, national origin, **GENDER IDENTITY**, sexual orientation, or disability of the individual or group 18 19because an imbalance may exist with respect to the total number or percentage of 20individuals of any race, color, religion, sex, age, national origin, GENDER IDENTITY, 21or sexual orientation or individuals with disabilities employed by the employer, 22referred or classified for employment by the employment agency or labor organization, 23admitted to membership or classified by the labor organization, or admitted to, or 24employed in, any apprenticeship or other training program, compared to the total 25number or percentage of individuals of that race, color, religion, sex, age, national 26origin, GENDER IDENTITY, or sexual orientation or individuals with disabilities in the 27State or any community, section, or other area, or in the available work force in the 28State or any community, section, or other area; or

(2) an employer to reasonably accommodate an employee's religion or
 disability if the accommodation would cause undue hardship on the conduct of the
 employer's business.

- 32 <u>20–604.</u>
- 33 <u>This subtitle does not apply to:</u>

34(1)an employer with respect to the employment of aliens outside of35the State; or

1 (2) <u>a religious corporation, association, educational institution, or</u> 2 <u>society with respect to the employment of individuals of a particular religion [or],</u> 3 <u>sexual orientation, OR GENDER IDENTITY to perform work connected with the</u> 4 <u>activities of the religious entity.</u>

5 20-605.

6 (a) Notwithstanding any other provision of this subtitle, this subtitle does 7 not prohibit:

8 (2)an employer from establishing [standards concerning an 9 employee's dress and grooming, if the standards are directly related to the nature of 10 the employment of the employee] AND REQUIRING AN EMPLOYEE TO ADHERE TO 11 REASONABLE WORKPLACE APPEARANCE, GROOMING, AND DRESS STANDARDS 12THAT ARE DIRECTLY RELATED TO THE NATURE OF THE EMPLOYMENT OF THE 13EMPLOYEE AND THAT ARE NOT PRECLUDED BY ANY PROVISION OF STATE OR FEDERAL LAW, AS LONG AS THE EMPLOYER ALLOWS ANY EMPLOYEE TO APPEAR, 14GROOM, AND DRESS CONSISTENT WITH THE EMPLOYEE'S GENDER IDENTITY; 15

16 20–606.

17 (a) An employer may not:

18 (1) fail or refuse to hire, discharge, or otherwise discriminate against 19 any individual with respect to the individual's compensation, terms, conditions, or 20 privileges of employment because of:

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

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1 (ii) the individual's refusal to submit to a genetic test or make 2 available the results of a genetic test;

3 (3) request or require genetic tests or genetic information as a 4 condition of hiring or determining benefits; or

5 (4) fail or refuse to make a reasonable accommodation for the known 6 disability of an otherwise qualified employee.

7 (b) An employment agency may not:

8 (1) fail or refuse to refer for employment or otherwise discriminate 9 against any individual because of the individual's race, color, religion, sex, age, 10 national origin, marital status, sexual orientation, **GENDER IDENTITY**, or disability 11 unrelated in nature and extent so as to reasonably preclude the performance of the 12 employment; or

13 (2) classify or refer for employment any individual on the basis of the 14 individual's race, color, religion, sex, age, national origin, marital status, sexual 15 orientation, **GENDER IDENTITY**, or disability unrelated in nature and extent so as to 16 reasonably preclude the performance of the employment.

17

(c)

A labor organization may not:

18 (1) exclude or expel from its membership, or otherwise discriminate 19 against, any individual because of the individual's race, color, religion, sex, age, 20 national origin, marital status, sexual orientation, **GENDER IDENTITY**, or disability 21 unrelated in nature and extent so as to reasonably preclude the performance of the 22 employment;

23limit, segregate, or classify its membership, or classify or fail or (2)24refuse to refer for employment any individual, in any way that would deprive or tend to deprive the individual of employment opportunities, limit the individual's 25employment opportunities, or otherwise adversely affect the individual's status as an 2627employee or as an applicant for employment because of the individual's race, color, 28religion, sex, age, national origin, marital status, sexual orientation, GENDER 29**IDENTITY**, or disability unrelated in nature and extent so as to reasonably preclude 30 the performance of the employment: or

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

33 (d) An employer, labor organization, or joint labor-management committee 34 controlling apprenticeship or other training or retraining programs, including 35 on-the-job training programs, may not discriminate against any individual in 36 admission to, or employment in, any program established to provide apprenticeship or 37 other training or retraining because of the individual's race, color, religion, sex, age,

national origin, marital status, sexual orientation, GENDER IDENTITY, or disability
 unrelated in nature and extent so as to reasonably preclude the performance of the
 employment.

4 Except as provided in paragraph (2) of this subsection, an (e) (1) $\mathbf{5}$ employer, labor organization, or employment agency may not print or cause to be 6 printed or published any notice or advertisement relating to employment by the 7employer, membership in or any classification or referral for employment by the labor 8 organization, or any classification or referral for employment by the employment 9 agency that indicates any preference, limitation, specification, or discrimination based 10 on race, color, religion, sex, age, national origin, marital status, sexual orientation, GENDER IDENTITY, or disability. 11

12 (2) A notice or advertisement may indicate a preference, limitation, 13 specification, or discrimination based on religion, sex, age, national origin, marital 14 status, or disability if religion, sex, age, national origin, marital status, or disability is 15 a bona fide occupational qualification for employment.

16 20–608.

An employer shall be immune from liability under this title or under the common law arising out of reasonable acts taken by the employer to verify the sexual orientation **OR GENDER IDENTITY** of any employee or applicant in response to a charge filed against the employer on the basis of sexual orientation **OR GENDER IDENTITY**.

22 20-702.

23 (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, or disability; and

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

30 20-704.

31 (a) This subtitle does not apply to:

32 (2) with respect to discrimination on the basis of sex, sexual 33 orientation, **GENDER IDENTITY**, or marital status:

1 (i) the rental of rooms in any dwelling, if the owner maintains 2 the dwelling as the owner's principal residence; or

3 (ii) the rental of any apartment in a dwelling that contains not 4 more than five rental units, if the owner maintains the dwelling as the owner's 5 principal residence.

- 6 20–705.
- $\overline{7}$

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

8 (1) refuse to sell or rent after the making of a bona fide offer, refuse to 9 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to 10 any person because of race, color, religion, sex, disability, marital status, familial 11 status, sexual orientation, **GENDER IDENTITY**, or national origin;

- 12 (2) discriminate against any person in the terms, conditions, or 13 privileges of the sale or rental of a dwelling, or in the provision of services or facilities 14 in connection with the sale or rental of a dwelling, because of race, color, religion, sex, 15 disability, marital status, familial status, sexual orientation, **GENDER IDENTITY**, or 16 national origin;
- (3) make, print, or publish, or cause to be made, printed, or published,
 any notice, statement, or advertisement with respect to the sale or rental of a dwelling
 that indicates any preference, limitation, or discrimination based on race, color,
 religion, sex, disability, marital status, familial status, sexual orientation, GENDER
 IDENTITY, or national origin, or an intention to make any preference, limitation, or
 discrimination;

(4) represent to any person, because of race, color, religion, sex,
 disability, marital status, familial status, sexual orientation, GENDER IDENTITY, or
 national origin, 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, or national origin.
- 31 20-707.

32 (b) (1) A person whose business includes engaging in residential real 33 estate-related transactions may not discriminate against any person in making 34 available a transaction, or in the terms or conditions of a transaction, because of race, 35 color, religion, sex, disability, marital status, familial status, sexual orientation, 36 **GENDER IDENTITY,** or national origin.

1 (2) Paragraph (1) of this subsection does not prohibit a person engaged 2 in the business of furnishing appraisals of real property from taking into consideration 3 factors other than race, color, religion, sex, disability, marital status, familial status, 4 sexual orientation, **GENDER IDENTITY**, or national origin.

5 (c) A person may not, because of race, color, religion, sex, disability, marital 6 status, familial status, sexual orientation, **GENDER IDENTITY**, or national origin:

(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

10 (2) discriminate against a person in the terms or conditions of 11 membership or participation.

12 20–1103.

13 (b) Whether or not acting under color of law, a person may not, by force or 14 threat of force, willfully injure, intimidate, interfere with, or attempt to injure, 15 intimidate, or interfere with:

16 (1) any person because of race, color, religion, sex, disability, marital 17 status, familial status, sexual orientation, **GENDER IDENTITY**, or national origin and 18 because the person is or has been:

19 (i) selling, purchasing, renting, financing, occupying, or 20 contracting or negotiating for the sale, purchase, rental, financing, or occupation of 21 any dwelling; or

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

24 (2) any person because the person is or has been, or in order to 25 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,** or national origin, in any of the activities, services, organizations,
or facilities described in item (1) of this subsection; or

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

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

1 (i) lawfully aiding or encouraging other persons to participate, 2 without discrimination on account of race, color, religion, sex, disability, marital 3 status, familial status, sexual orientation, **GENDER IDENTITY**, or national origin, in 4 any of the activities, services, organizations, or facilities described in item (1) of this 5 subsection; or

6 (ii) participating lawfully in speech or peaceful assembly 7 opposing any denial of the opportunity to participate in any of the activities, services, 8 organizations, or facilities described in item (1) of this subsection.

9

Article – State Personnel and Pensions

10 2-302.

11 (a) The State recognizes and honors the value and dignity of every person 12 and understands the importance of providing employees and applicants for 13 employment with a fair opportunity to pursue their careers in an environment free of 14 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:

- 18 (i) age;
- 19 (ii) ancestry;
- 20 (iii) color;
- 21 (iv) creed;
- 22 (V) GENDER IDENTITY;
- 23 [(v)] (VI) marital status;
- 24 [(vi)] (VII) mental or physical disability;
- 25 [(vii)] (VIII) national origin;
- 26 [(viii)] (IX) race;
- 27 [(ix)] (X) religious affiliation, belief, or opinion; [or]
- 28 [(x)] (XI) sex; OR

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2 (2) A personnel action may be taken with regard to age, sex, or 3 disability to the extent that age, sex, or physical or mental qualification is required by 4 law or is a bona fide occupational qualification.

(XII) SEXUAL ORIENTATION.

5 (c) (1) Each State employee is expected to assume personal responsibility 6 and leadership in ensuring fair employment practices and equal employment 7 opportunity in Maryland State government.

8 (2) Employment discrimination and harassment by State managers, 9 supervisors, or other employees is prohibited.

10 (3) A State employee who violates this subtitle is subject to 11 disciplinary action by the employee's appointing authority, including the termination 12 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.

19 (2) The head of a personnel system in the Legislative and Judicial 20 branches may report periodically on equal employment opportunity programs and 21 policies in effect in that personnel system to the Joint Committee on Fair Practices 22 and State Personnel Oversight.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 24 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.