

# HOUSE BILL 37

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(PRE-FILED)

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By: **Delegate M. Washington**

Requested: October 21, 2013

Introduced and read first time: January 8, 2014

Assigned to: Health and Government Operations

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## A BILL ENTITLED

AN ACT concerning

### **Employment Discrimination – Dress and Grooming Standards**

FOR the purpose of establishing that the ability of an employer to establish certain standards concerning an employee's dress and grooming does not allow the employer to require or prohibit specific hairstyles or facial hair or prohibit an employee from wearing clothing or adopting modes of grooming based on sex; and generally relating to employment discrimination.

BY repealing and reenacting, with amendments,

Article – State Government

Section 20–605

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

### **Article – State Government**

20–605.

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

(1) an employer from hiring and employing employees, an employment agency from classifying or referring for employment any individual, a labor organization from classifying its membership or classifying or referring for employment any individual, or an employer, labor organization, or joint labor–management committee controlling apprenticeship or other training or retraining programs from admitting or employing any individual in a program, on the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



basis of the individual's sex, age, religion, national origin, or disability, if sex, age, religion, national origin, or disability is a bona fide occupational qualification reasonably necessary to the normal operation of that business or enterprise;

(2) an employer from establishing standards concerning an employee's dress and grooming, if the standards are directly related to the nature of the employment of the employee, **EXCEPT THAT AN EMPLOYER MAY NOT:**

**(I) REQUIRE OR PROHIBIT SPECIFIC HAIRSTYLES OR FACIAL HAIR; OR**

**(II) PROHIBIT AN EMPLOYEE FROM WEARING CLOTHING OR ADOPTING MODES OF GROOMING BASED ON SEX;**

(3) a school, college, university, or other educational institution from hiring 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.