HOUSE BILL 1202

By: Delegates M. Fisher, Adams, Arentz, D.E. Davis, Howard, Miller, and Qi
Introduced and read first time: February 7, 2020
Assigned to: Economic Matters

Committee Report: Favorable
House action: Adopted
Read second time: March 9, 2020

CHAPTER ______

1 AN ACT concerning

2 Labor and Employment – Use of Facial Recognition Services – Prohibition

3 FOR the purpose of prohibiting an employer from using certain facial recognition services
   during an applicant’s interview for employment unless the applicant consents under
   a certain provision of this Act; authorizing an applicant to consent to the use of
   certain facial recognition service technologies during an interview by signing a
   waiver; providing for the contents of a certain waiver; defining certain terms; and
   generally relating to employer use of facial recognition service technologies during
   job interviews.

4 BY adding to
5 Article – Labor and Employment
6 Section 3–717
7 Annotated Code of Maryland
8 (2016 Replacement Volume and 2019 Supplement)

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

11 Article – Labor and Employment

12 3–717.

13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

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.
(2) “FACIAL RECOGNITION SERVICE” MEANS TECHNOLOGY THAT ANALYZES FACIAL FEATURES AND IS USED FOR RECOGNITION OR PERSISTENT TRACKING OF INDIVIDUALS IN STILL OR VIDEO IMAGES.

(3) “FACIAL TEMPLATE” MEANS THE MACHINE–INTERPRETABLE PATTERN OF FACIAL FEATURES THAT IS EXTRACTED FROM ONE OR MORE IMAGES OF AN INDIVIDUAL BY A FACIAL RECOGNITION SERVICE.

(B) AN EMPLOYER MAY NOT USE A FACIAL RECOGNITION SERVICE FOR THE PURPOSE OF CREATING A FACIAL TEMPLATE DURING AN APPLICANT’S INTERVIEW FOR EMPLOYMENT UNLESS AN APPLICANT CONSENTS UNDER SUBSECTION (C) OF THIS SECTION.

(C) (1) AN APPLICANT MAY CONSENT TO THE USE OF FACIAL RECOGNITION SERVICE TECHNOLOGY DURING AN INTERVIEW BY SIGNING A WAIVER.

(2) THE WAIVER SIGNED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL STATE IN PLAIN LANGUAGE:

(I) THE APPLICANT’S NAME;

(II) THE DATE OF THE INTERVIEW;

(III) THAT THE APPLICANT CONSENTS TO THE USE OF FACIAL RECOGNITION DURING THE INTERVIEW; AND

(IV) WHETHER THE APPLICANT READ THE CONSENT WAIVER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.