

SENATE BILL 531

D5

0lr3491
CF HB 1444

By: **Senators Smith, Augustine, Benson, Carter, Cassilly, Ellis, Feldman, Griffith, Guzzone, Hayes, Hettleman, Hester, Lam, Lee, McCray, Patterson, Peters, Ready, Sydnor, Waldstreicher, Washington, West, and Zucker**

Introduced and read first time: January 30, 2020

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2020

CHAPTER _____

1 AN ACT concerning

2 **Discrimination — ~~Definition of~~ on the Basis of Race – Hair Texture and**
3 **Hairstyles**

4 FOR the purpose of defining “race”, for the purposes of certain laws prohibiting
5 discrimination, to include certain traits ~~historically~~ associated with race, including
6 hair texture and certain hairstyles; defining “protective hairstyle”; authorizing an
7 employer to establish and require an employee to adhere to certain standards that
8 are directly related to the nature of the employment of the employee and that are
9 not precluded by any provision of State or federal law, subject to a certain exception;
10 and generally relating to discrimination and the definition of “race”.

11 BY repealing and reenacting, with amendments,
12 Article – State Government
13 Section 20–101 and 20–605
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2019 Supplement)

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

18 **Article – State Government**

19 20–101.

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.



1 (a) In Subtitles 1 through 11 of this title the following words have the meanings
2 indicated.

3 (b) “Commission” means the Commission on Civil Rights.

4 (c) “Complainant” means a person that files a complaint alleging a discriminatory
5 act under this title.

6 (d) “Discriminatory act” means an act prohibited under:

7 (1) Subtitle 3 of this title (Discrimination in Places of Public
8 Accommodation);

9 (2) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated
10 by Maryland Department of Labor);

11 (3) Subtitle 5 of this title (Discrimination in Leasing of Commercial
12 Property);

13 (4) Subtitle 6 of this title (Discrimination in Employment);

14 (5) Subtitle 7 of this title (Discrimination in Housing); or

15 (6) Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory
16 Act; Obstructing Compliance).

17 (e) “Gender identity” means the gender-related identity, appearance, expression,
18 or behavior of a person, regardless of the person’s assigned sex at birth, which may be
19 demonstrated by:

20 (1) consistent and uniform assertion of the person’s gender identity; or

21 (2) any other evidence that the gender identity is sincerely held as part of
22 the person’s core identity.

23 **(F) “PROTECTIVE HAIRSTYLE” ~~MEANS A HAIRSTYLE DESIGNED TO~~**
24 **~~PROTECT THE ENDS OF THE HAIR BY DECREASING TANGLING, SHEDDING, AND~~**
25 **~~BREAKAGE, INCLUDING INCLUDES BRAIDS, TWISTS, AND LOCKS.~~**

26 **(G) “RACE” INCLUDES TRAITS ~~HISTORICALLY~~ ASSOCIATED WITH RACE,**
27 **INCLUDING HAIR TEXTURE, AFRO HAIRSTYLES, AND PROTECTIVE HAIRSTYLES.**

28 **[(f) (H)** (1) “Respondent” means a person accused in a complaint of a
29 discriminatory act.

1 (2) "Respondent" includes a person identified during an investigation of a
2 complaint and joined as an additional or substitute respondent.

3 [(g)] (I) "Sexual orientation" means the identification of an individual as to
4 male or female homosexuality, heterosexuality, or bisexuality.

5 20-605.

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

8 (1) an employer from hiring and employing employees, an employment
9 agency from classifying or referring for employment any individual, a labor organization
10 from classifying its membership or classifying or referring for employment any individual,
11 or an employer, labor organization, or joint labor-management committee controlling
12 apprenticeship or other training or retraining programs from admitting or employing any
13 individual in a program, on the basis of the individual's sex, age, religion, national origin,
14 or disability, if sex, age, religion, national origin, or disability is a bona fide occupational
15 qualification reasonably necessary to the normal operation of that business or enterprise;

16 (2) an employer from establishing and requiring an employee to adhere to
17 reasonable workplace appearance, grooming, and dress standards that are directly related
18 to the nature of the employment of the employee and that are not precluded by any
19 provision of State or federal law, as long as the employer allows any employee to appear,
20 groom, and dress consistent with the employee's gender identity;

21 (3) a school, college, university, or other educational institution from hiring
22 and employing employees of a particular religion, if:

23 (i) the institution is wholly or substantially owned, supported,
24 controlled, or managed by a particular religion or by a particular religious corporation,
25 association, or society; or

26 (ii) the curriculum of the institution is directed toward the
27 propagation of a particular religion; [or]

28 (4) except as provided in subsection (b) of this section, an employer,
29 employment agency, or labor organization from observing the terms of a bona fide seniority
30 system or any bona fide employee benefit plan, such as a retirement, pension, or insurance
31 plan, that is not a subterfuge to evade the purposes of this subtitle; OR

32 (5) **AN EMPLOYER FROM ESTABLISHING, AND REQUIRING AN**
33 **EMPLOYEE TO ADHERE TO, REASONABLE WORKPLACE APPEARANCE AND**
34 **GROOMING STANDARDS THAT ARE DIRECTLY RELATED TO THE NATURE OF THE**
35 **EMPLOYMENT OF THE EMPLOYEE AND THAT ARE NOT PRECLUDED BY ANY**
36 **PROVISION OF STATE OR FEDERAL LAW, AS LONG AS THE EMPLOYER ALLOWS THE**

1 EMPLOYEE TO APPEAR AND GROOM IN A MANNER THAT IS CONSISTENT WITH THE
2 EMPLOYEE’S RACE.

3 (b) An employee benefit plan may not excuse the failure to hire any individual.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.