

HOUSE BILL 581

K3, E4, C4

EMERGENCY BILL

11r1330
CF SB 486

By: **Delegate D.E. Davis**

Introduced and read first time: January 20, 2021

Assigned to: Economic Matters and Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2021

CHAPTER _____

1 AN ACT concerning

2 **Labor and Employment – Employment Standards During an Emergency**
3 **(Maryland Essential Workers’ Protection Act)**

4 FOR the purpose of ~~requiring the Maryland Health Benefit Exchange to provide for a~~
5 ~~special enrollment period for health insurance coverage for certain essential workers~~
6 ~~during certain emergencies; requiring an essential employer to give a written~~
7 ~~statement regarding certain hazard pay paid to certain essential workers at certain~~
8 ~~intervals; requiring the Maryland Emergency Management Agency and a local~~
9 ~~organization of emergency services to periodically evaluate and determine whether~~
10 ~~an emergency is occurring or has occurred and make a certain announcements under~~
11 ~~certain circumstances; requiring an each essential employer to take certain actions~~
12 ~~related to occupational safety and health during an emergency; authorizing~~
13 ~~providing that an essential worker has the right to refuse to fulfill perform a certain~~
14 ~~responsibility under certain circumstances task as provided under certain provisions~~
15 ~~of law; prohibiting an essential employer from retaliating or taking other adverse~~
16 ~~action against an essential worker or other worker for certain actions; requiring an~~
17 ~~essential worker to notify the Commissioner of Labor of Industry of certain~~
18 ~~information within a certain time period for a certain purpose; providing for the~~
19 ~~enforcement of certain provisions this Act; requiring an essential employer to comply~~
20 ~~with certain standards, protocols, and procedures established by the Commissioner;~~
21 ~~requiring essential employers to prepare a certain plan and take certain actions with~~
22 ~~regard to the plan; requiring essential employers to take certain steps to minimize~~
23 ~~the risk of transmission of an infectious disease under certain circumstances;~~
24 ~~requiring an essential employer to pay costs associated with for certain testing~~
25 ~~except under certain circumstances; requiring essential employees employers to~~

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 report certain test results to the Maryland Department of Health in a certain
 2 manner; requiring the Maryland Department of Health to collect certain test results,
 3 categorize the results in a certain manner, and publish the results in a certain
 4 format; requiring essential employers to provide essential workers with certain
 5 ~~bereavement and health~~ public health emergency leave on a certain date; requiring
 6 an essential employer to provide public health emergency leave in a certain manner
 7 and in certain amounts; requiring an essential employer to allow an essential worker
 8 to use public health emergency leave for certain reasons; authorizing an essential
 9 employer to require an essential worker who uses public health emergency leave to
 10 provide certain documentation and to refuse to pay an essential worker for certain
 11 public health emergency leave under certain circumstances; ~~requiring essential~~
 12 ~~employers to provide certain essential workers with certain hazard pay in a certain~~
 13 ~~manner; prohibiting an essential employer from lowering certain pay for a certain~~
 14 ~~purpose; requiring essential employers to provide certain financial assistance during~~
 15 ~~an emergency under certain circumstances and in a certain manner; prohibiting~~
 16 ~~certain financial assistance from being counted towards an essential worker's~~
 17 ~~eligibility for State means tested benefit programs;~~ prohibiting an essential
 18 employer from knowingly misclassifying an essential worker; requiring and
 19 authorizing the Commissioner to adopt certain regulations; requiring the
 20 Commissioner to enforce certain occupational safety and health requirements for
 21 certain essential workers; prohibiting an employer from discharging or otherwise
 22 discriminating against an employee because the employee is an essential worker who
 23 files a complaint or exercises a right under certain provisions of law; defining certain
 24 terms; requiring the Secretary of Labor to adopt a certain Emergency Temporary
 25 Standard within a certain period of time; requiring the Secretary to set a certain
 26 standard to expire at a certain time; requiring that a certain standard remain in
 27 effect whether or not it becomes the subject of federal litigation; requiring that a
 28 certain standard require employers to take certain actions; requiring the Maryland
 29 Department of Health, in consultation with the Maryland Department of Labor and
 30 local health departments, to develop a template health emergency preparedness plan
 31 for responding to a catastrophic health emergency on or before a certain date;
 32 specifying the contents of the health emergency preparedness plan; requiring the
 33 Maryland Department of Health, in consultation with the Maryland Department of
 34 Labor and local health departments, to report to the General Assembly on or before
 35 a certain date on recommendations for certain legislation; requiring Maryland
 36 Occupational Safety and Health to report to the General Assembly on or before a
 37 certain date; requiring the Commissioner to adopt certain regulations as soon as
 38 practicable after a certain date; requiring each essential employer to provide certain
 39 public health emergency paid leave to each essential worker on a certain date;
 40 providing for the application of certain provisions of this Act; making this Act an
 41 emergency measure; providing for the termination of certain provisions of this Act;
 42 and generally relating to employment standards during an emergency.

43 ~~BY repealing and reenacting, with amendments,~~

44 ~~Article — Insurance~~

45 ~~Section 31-108(b)(6)~~

46 ~~Annotated Code of Maryland~~

1 ~~(2017 Replacement Volume and 2020 Supplement)~~
 2 ~~BY repealing and reenacting, with amendments,~~
 3 ~~Article – Labor and Employment~~
 4 ~~Section 3–504~~
 5 ~~Annotated Code of Maryland~~
 6 ~~(2016 Replacement Volume and 2020 Supplement)~~

7 BY adding to
 8 Article – Labor and Employment
 9 Section 3–1601 through ~~3–1612~~ 3–1609 to be under the new subtitle “Subtitle 16.
 10 Maryland Essential Workers’ Protection Act”; and 5–205(p)
 11 Annotated Code of Maryland
 12 (2016 Replacement Volume and 2020 Supplement)

13 BY repealing and reenacting, with amendments,
 14 Article – Labor and Employment
 15 Section 5–604
 16 Annotated Code of Maryland
 17 (2016 Replacement Volume and 2020 Supplement)

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

20 ~~**Article – Insurance**~~

21 ~~§ 1–108.~~

22 ~~(b) In compliance with § 1311(d)(4) of the Affordable Care Act, the Exchange~~
 23 ~~shall:~~

24 ~~(6) provide for initial, annual, and special enrollment periods, in~~
 25 ~~accordance with guidelines adopted by the Secretary under § 1311(e)(6) of the Affordable~~
 26 ~~Care Act, INCLUDING A SPECIAL ENROLLMENT PERIOD DURING AN EMERGENCY, AS~~
 27 ~~DEFINED UNDER § 3–1601 OF THE LABOR AND EMPLOYMENT ARTICLE, FOR AN~~
 28 ~~ESSENTIAL WORKER, AS DEFINED IN § 3–1601 OF THE LABOR AND EMPLOYMENT~~
 29 ~~ARTICLE, WHO IS NOT INSURED UNDER A GROUP HEALTH BENEFIT PLAN~~
 30 ~~SPONSORED BY THE EMPLOYER;~~

31 **Article – Labor and Employment**

32 ~~§ 504.~~

33 ~~(a) An employer shall give to each employee:~~

34 ~~(1) at the time of hiring, notice of:~~

- 1 ~~(i) the rate of pay of the employee;~~
- 2 ~~(ii) the regular paydays that the employer sets; and~~
- 3 ~~(iii) leave benefits;~~
- 4 ~~(2) for each pay period [,];~~
- 5 ~~(I) a statement of the gross earnings of the employee and deductions~~
 6 ~~from those gross earnings; and~~
- 7 ~~(H) IF APPLICABLE, A WRITTEN STATEMENT OF HAZARD PAY~~
 8 ~~EARNED UNDER SUBTITLE 16 OF THIS TITLE; AND~~
- 9 ~~(3) at least 1 pay period in advance, notice of any change in a payday or~~
 10 ~~wage.~~
- 11 ~~(b) This section does not prohibit an employer from increasing a wage without~~
 12 ~~advance notice.~~

13 **SUBTITLE 16. MARYLAND ESSENTIAL WORKERS' PROTECTION ACT.**

14 **3-1601.**

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 16 INDICATED.

17 (B) "EMERGENCY" MEANS:

18 ~~(1) THE IMMINENT THREAT OR OCCURRENCE OF SEVERE OR~~
 19 ~~WIDESPREAD LOSS OF LIFE, INJURY, OR OTHER HEALTH IMPACTS, PROPERTY~~
 20 ~~DAMAGE OR DESTRUCTION, SOCIAL OR ECONOMIC DISRUPTION, OR~~
 21 ~~ENVIRONMENTAL DEGRADATION FROM NATURAL, TECHNOLOGICAL, OR~~
 22 ~~HUMAN MADE CAUSES; OR~~

23 ~~(2) AN INCIDENT, OCCURRENCE, OR OUTBREAK THAT IS THE SUBJECT~~
 24 ~~OF;~~

25 ~~(I) AN EXECUTIVE ORDER;~~

26 ~~(H) AN EXECUTIVE DECLARATION UNDER § 14-107 OF THE~~
 27 ~~PUBLIC SAFETY ARTICLE; OR~~

28 ~~(H) A CATASTROPHIC HEALTH EMERGENCY, AS DEFINED UNDER~~
 29 ~~§ 14-3A-01 OF THE PUBLIC SAFETY ARTICLE, THAT IS THE SUBJECT OF AN~~

1 EXECUTIVE PROCLAMATION UNDER § 14-3A-02 OF THE PUBLIC SAFETY ARTICLE
2 AND IS RELATED TO A COMMUNICABLE DISEASE.

3 (C) (1) "ESSENTIAL EMPLOYER" MEANS A PERSON THAT EMPLOYS AN
4 ESSENTIAL WORKER.

5 (2) "ESSENTIAL EMPLOYER" INCLUDES A UNIT OF STATE OR LOCAL
6 GOVERNMENT.

7 (D) ~~(1)~~ "ESSENTIAL WORKER" MEANS AN INDIVIDUAL WHO:

8 (1) PERFORMS A DUTY OR WORK RESPONSIBILITY DURING AN
9 EMERGENCY THAT CANNOT BE PERFORMED REMOTELY OR IS REQUIRED TO BE
10 COMPLETED AT THE WORK SITE; AND

11 (2) PROVIDES SERVICES THAT THE ESSENTIAL EMPLOYER
12 DETERMINES TO BE ESSENTIAL OR CRITICAL TO ITS OPERATIONS.

13 ~~(2) "ESSENTIAL WORKER" INCLUDES A CONTRACTOR OR~~
14 ~~SUBCONTRACTOR.~~

15 3-1602.

16 THIS SUBTITLE APPLIES ONLY TO ESSENTIAL EMPLOYERS IN ~~THE FOLLOWING~~
17 INDUSTRIES AND SECTORS; IDENTIFIED BY THE GOVERNOR OR A FEDERAL OR
18 STATE AGENCY AS CRITICAL TO REMAIN IN OPERATION DURING THE EMERGENCY.

19 ~~(1) THE CHEMICAL SECTOR, INCLUDING CHEMICAL~~
20 ~~MANUFACTURERS, PHARMACEUTICAL MANUFACTURERS, AND DISTRIBUTORS OF~~
21 ~~CHEMICALS AND PHARMACEUTICALS;~~

22 ~~(2) THE COMMERCIAL SECTOR, INCLUDING:~~

23 ~~(I) ARBORISTS;~~

24 ~~(II) AUTOMOBILE SALES AND SERVICES;~~

25 ~~(III) COMMERCIAL AND RESIDENTIAL CONSTRUCTION~~
26 ~~COMPANIES;~~

27 ~~(IV) COMPANIES THAT SELL SUPPLIES AND MATERIALS FOR THE~~
28 ~~MAINTENANCE OF COMMERCIAL AND RESIDENTIAL BUSINESSES, INCLUDING HOME~~
29 ~~IMPROVEMENT SUPPLY STORES;~~

- 1 ~~(V) ENVIRONMENTAL SERVICES COMPANIES;~~
- 2 ~~(VI) EXTERMINATORS;~~
- 3 ~~(VII) JANITORIAL FIRMS;~~
- 4 ~~(VIII) LANDSCAPERS;~~
- 5 ~~(IX) LAUNDROMATS, DRY CLEANERS, AND LAUNDRY SERVICE~~
6 ~~COMPANIES;~~
- 7 ~~(X) LODGING, BUILDING, AND PROPERTY MAINTENANCE~~
8 ~~COMPANIES;~~
- 9 ~~(XI) PLUMBERS, ELECTRICIANS, AND HEATING, VENTILATION,~~
10 ~~AIR CONDITIONING, AND REFRIGERATION CONTRACTORS AND THE DISTRIBUTORS~~
11 ~~OF SUPPLIES THAT SUPPORT THOSE PROFESSIONS;~~
- 12 ~~(XII) ROOFERS; AND~~
- 13 ~~(XIII) SELF STORAGE FACILITIES;~~
- 14 ~~(3) THE COMMUNICATIONS SECTOR, INCLUDING:~~
- 15 ~~(I) BROADCASTING COMPANIES AND STATIONS;~~
- 16 ~~(II) CABLE TELEVISION COMPANIES;~~
- 17 ~~(III) CELLULAR AND LANDLINE TELEPHONE COMPANIES; AND~~
- 18 ~~(IV) INTERNET SERVICE PROVIDERS;~~
- 19 ~~(4) THE CRITICAL MANUFACTURING SECTOR, INCLUDING:~~
- 20 ~~(I) MANUFACTURERS OF:~~
- 21 ~~1. CLEANING AND SANITATION EQUIPMENT AND~~
22 ~~SUPPLIES;~~
- 23 ~~2. ENGINES, MOTORS, TURBINES, GENERATORS, AND~~
24 ~~POWER TRANSMISSION EQUIPMENT;~~
- 25 ~~3. LAND, AIR, AND WATER VEHICLES AND RELATED~~
26 ~~PARTS;~~

1 ~~4. MEDICAL EQUIPMENT;~~

2 ~~5. PARTS FOR WATER, ELECTRIC, AND~~
3 ~~TELECOMMUNICATIONS UTILITY INFRASTRUCTURE;~~

4 ~~6. PERSONAL PROTECTIVE EQUIPMENT; AND~~

5 ~~7. STEEL, IRON, AND ALUMINUM PRODUCTS;~~

6 ~~(II) COMPANIES THAT RESEARCH, DEVELOP, MANUFACTURE,~~
7 ~~OR INTEGRATE WEAPONS, DEFENSE, OR INTELLIGENCE SYSTEMS OR ASSETS;~~

8 ~~(III) THE DEFENSE INDUSTRIAL BASE SECTOR; AND~~

9 ~~(IV) PRIVATE CONTRACTORS THAT SUPPORT DEFENSE AND~~
10 ~~INTELLIGENCE AGENCIES;~~

11 ~~(5) THE EMERGENCY SERVICES SECTOR, INCLUDING:~~

12 ~~(I) CORRECTIONAL INSTITUTIONS;~~

13 ~~(II) EMERGENCY MANAGEMENT;~~

14 ~~(III) EMERGENCY MEDICAL SERVICES;~~

15 ~~(IV) FIRE AND RESCUE SERVICES;~~

16 ~~(V) LAW ENFORCEMENT; AND~~

17 ~~(VI) PRIVATE AMBULANCE COMPANIES;~~

18 ~~(6) THE ENERGY SECTOR, INCLUDING:~~

19 ~~(I) COMPANIES ENGAGED IN THE GENERATION OF~~
20 ~~ELECTRICITY, EXCLUDING HYDROELECTRIC ENERGY COMPANIES AND NUCLEAR~~
21 ~~ENERGY COMPANIES;~~

22 ~~(II) COMPANIES ENGAGED IN THE PRODUCTION, REFINING,~~
23 ~~STORAGE, TRANSPORTATION, DISTRIBUTION, OR SALE OF OIL, GAS, AND PROPANE~~
24 ~~PRODUCTS, INCLUDING GAS STATIONS AND TRUCK STOPS; AND~~

25 ~~(III) COMPANIES THAT PROVIDE UTILITY MAINTENANCE~~
26 ~~SERVICES;~~

27 ~~(7) THE FOOD AND AGRICULTURE SECTOR, INCLUDING:~~

1 ~~(I) ALCOHOLIC BEVERAGES RETAILERS AND DISTRIBUTORS,~~
2 ~~BREWERIES, DISTILLERIES, AND WINERIES;~~

3 ~~(II) COMPANIES THAT MANUFACTURE OR SUPPORT THE~~
4 ~~MANUFACTURE OF PAPER PRODUCTS;~~

5 ~~(III) CONVENIENCE STORES;~~

6 ~~(IV) FARMS;~~

7 ~~(V) FARMER'S MARKETS;~~

8 ~~(VI) GROCERY STORES;~~

9 ~~(VII) INSTITUTIONAL FOOD SERVICE AND SUPPLY COMPANIES;~~

10 ~~(VIII) FOOD MANUFACTURERS AND PROCESSORS;~~

11 ~~(IX) PET SUPPLY STORES; AND~~

12 ~~(X) VETERINARY HOSPITALS, CLINICS, AND KENNELS;~~

13 ~~(8) THE GOVERNMENT FACILITIES SECTOR, INCLUDING:~~

14 ~~(I) BAIL BONDSMEN;~~

15 ~~(II) COURT REPORTERS; AND~~

16 ~~(III) LAWYERS AND LAW FIRMS;~~

17 ~~(9) THE HEALTH CARE AND PUBLIC HEALTH SECTOR, INCLUDING:~~

18 ~~(I) BEHAVIORAL HEALTH FACILITIES AND PROFESSIONALS,~~
19 ~~INCLUDING PSYCHOLOGISTS, MENTAL HEALTH COUNSELORS, AND SUBSTANCE~~
20 ~~ABUSE COUNSELORS;~~

21 ~~(II) DIAGNOSTIC FACILITIES, INCLUDING RADIOLOGY,~~
22 ~~IMAGING, AND LABORATORY FACILITIES;~~

23 ~~(III) FUNERAL HOMES AND CREMATORIUMS;~~

24 ~~(IV) HEALTH CARE SYSTEMS AND CLINICS;~~

- 1 ~~(V) HEALTH INSURANCE CARRIERS, PAYORS, AND BILLING~~
2 ~~COMPANIES;~~
- 3 ~~(VI) HOME HEALTH CARE COMPANIES;~~
- 4 ~~(VII) HOSPITALS;~~
- 5 ~~(VIII) MANUFACTURERS AND DISTRIBUTORS OF MEDICAL~~
6 ~~EQUIPMENT AND SUPPLIES;~~
- 7 ~~(IX) MEDICAL CANNABIS GROWERS, PROCESSORS, AND~~
8 ~~DISPENSARIES;~~
- 9 ~~(X) OFFICES OF HEALTH CARE PROVIDERS, INCLUDING~~
10 ~~PHYSICIANS AND DENTISTS;~~
- 11 ~~(XI) PHARMACIES AND PHARMACISTS;~~
- 12 ~~(XII) OCCUPATIONAL THERAPISTS, PHYSICAL THERAPISTS, AND~~
13 ~~SPEECH THERAPISTS;~~
- 14 ~~(XIII) REHABILITATION FACILITIES; AND~~
- 15 ~~(XIV) SENIOR LIVING FACILITIES, INCLUDING INDEPENDENT~~
16 ~~LIVING, ASSISTED LIVING, AND SKILLED NURSING;~~
- 17 ~~(10) THE INFORMATION TECHNOLOGY SECTOR, INCLUDING:~~
- 18 ~~(I) COMPANIES THAT DESIGN, DEVELOP, DISTRIBUTE, HOST,~~
19 ~~SELL, AND SUPPORT INFORMATION TECHNOLOGY SOFTWARE AND HARDWARE; AND~~
- 20 ~~(II) COMPANIES THAT PROVIDE NETWORK ROUTING, ACCESS,~~
21 ~~AND CONFIGURATION SERVICES;~~
- 22 ~~(11) THE MOTOR CARRIER INDUSTRY, INCLUDING:~~
- 23 ~~(I) CARRIERS OF MARINE FREIGHT, INCLUDING OCEAN~~
24 ~~CARRIERS AND INLAND CARRIERS;~~
- 25 ~~(II) COURIER, PACKAGE DELIVERY, MAIL SERVICE, AND MAIL~~
26 ~~MANAGEMENT COMPANIES;~~
- 27 ~~(III) MARINE, RAIL, TRUCK, AND INTERMODAL TERMINALS AND~~
28 ~~OPERATORS; AND~~

1 ~~(IV) STEVEDORES, LONGSHOREMEN, BAGGAGE HANDLERS, AND~~
2 ~~OTHERS WHO HANDLE CARGO AT TRANSPORTATION HUBS;~~

3 ~~(12) THE SERVICE SECTOR, INCLUDING CHILDCARE PROVIDERS AND~~
4 ~~STAFF, ELDER CARE PROVIDERS AND STAFF, AND PERSONAL SERVICES PROVIDERS;~~

5 ~~(13) THE TRANSPORTATION SYSTEMS SECTOR, INCLUDING:~~

6 ~~(I) AIRLINES AND OPERATORS OF MANNED AND UNMANNED~~
7 ~~COMMERCIAL AIRCRAFT, AIRPORTS, AIR STRIPS, HELIPORTS, AND SEAPLANE~~
8 ~~BASES; AND~~

9 ~~(II) RAILROADS;~~

10 ~~(14) THE WAREHOUSING AND DISTRIBUTION SECTOR, INCLUDING:~~

11 ~~(I) COMPANIES THAT SUPPLY PARTS OR PROVIDE~~
12 ~~MAINTENANCE AND REPAIR SERVICES FOR TRANSPORTATION ASSETS AND~~
13 ~~INFRASTRUCTURE, INCLUDING AIRCRAFT, MARINE VESSELS, LOCOMOTIVES, RAIL~~
14 ~~CARS, TRUCKS, BUSES, CARS, HEAVY EQUIPMENT, ROADS, BRIDGES, AND TUNNELS;~~

15 ~~(II) LESSORS OF TRANSPORTATION ASSETS, INCLUDING~~
16 ~~RAILCARS AND TRUCK TRAILERS; AND~~

17 ~~(III) PIPELINE OWNERS, OPERATORS, AND MAINTENANCE~~
18 ~~COMPANIES; AND~~

19 ~~(15) PERSONNEL OF ANY OTHER INSTITUTION OR INDUSTRY ORDERED~~
20 ~~TO REMAIN OPEN DURING THE EMERGENCY.~~

21 ~~§ 1603.~~

22 ~~(A) IN THIS SECTION, "AGENCY" MEANS:~~

23 ~~(1) A LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT, AS~~
24 ~~DEFINED IN § 14-101.1 OF THE PUBLIC SAFETY ARTICLE; OR~~

25 ~~(2) THE MARYLAND EMERGENCY MANAGEMENT AGENCY.~~

26 ~~(B) EACH AGENCY SHALL PERIODICALLY EVALUATE AND DETERMINE~~
27 ~~WHETHER AN EMERGENCY IS OCCURRING OR HAS OCCURRED.~~

28 ~~(C) (1) IF AN AGENCY DETERMINES THAT AN EMERGENCY IS OCCURRING~~
29 ~~OR HAS OCCURRED, THE AGENCY SHALL ANNOUNCE PUBLICLY IN WRITING THAT~~

~~THE EMERGENCY IS OCCURRING OR HAS OCCURRED AND THAT ESSENTIAL EMPLOYERS ARE REQUIRED TO COMPLY WITH §§ 3-1605, 3-1608, AND 3-1609 OF THIS SUBTITLE.~~

~~(2) ONCE THE EMERGENCY HAS SUBSIDED, THE AGENCY THAT MADE THE ANNOUNCEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL ANNOUNCE PUBLICLY IN WRITING THAT ESSENTIAL EMPLOYERS NO LONGER NEED TO:~~

~~(I) ALLOW AN ESSENTIAL WORKER TO REFUSE TO FULFILL WORK RESPONSIBILITIES UNDER § 3-1605 OF THIS SUBTITLE;~~

~~(II) PROVIDE HEALTH LEAVE OR BEREAVEMENT LEAVE UNDER § 3-1608 OF THIS SUBTITLE; OR~~

~~(III) PROVIDE ASSISTANCE WITH HEALTH INSURANCE COSTS UNDER § 3-1609 OF THIS SUBTITLE.~~

~~3-1604. 3-1603.~~

DURING AN EMERGENCY, EACH ESSENTIAL EMPLOYER SHALL:

(1) PROVIDE WORKING CONDITIONS THAT: COMPLY WITH APPLICABLE SAFETY STANDARDS ADOPTED BY A FEDERAL OR STATE AGENCY;

~~(I) REDUCE PHYSICAL HARM AND MENTAL DISTRESS AND DETRIMENT; AND~~

~~(II) ENSURE PHYSICAL HEALTH AND SAFETY;~~

(2) SUBJECT TO AVAILABILITY, PROVIDE NECESSARY AMOUNTS OF PERSONAL PROTECTIVE SAFETY EQUIPMENT RECOMMENDED FOR USAGE DURING THE EMERGENCY AT NO COST TO ESSENTIAL WORKERS;

(3) CREATE AND MAINTAIN ADOPT, MAINTAIN, AND POST WRITTEN PROTOCOLS TO ENFORCE ANY NECESSARY HYGIENIC PRACTICES OR DISEASE MITIGATION MEASURES AT A WORKSITE ENSURE AN ESSENTIAL WORKER'S ACCESS TO INFORMATION REGARDING THE APPLICABLE SAFETY STANDARDS IN EFFECT DURING THE EMERGENCY; AND

(4) PROVIDE OR IMPLEMENT ANY OTHER MEASURES OR REQUIREMENTS SET BY THE GOVERNOR OR A FEDERAL OR STATE AGENCY TO ENSURE THE GENERAL HEALTH AND SAFETY OF ESSENTIAL WORKERS.

1 ~~3-1605.~~

2 (A) (1) ~~IN THIS SECTION, "UNSAFE WORK ENVIRONMENT" MEANS ANY~~
3 ~~CIRCUMSTANCE PRESENT AT A WORKSITE THAT RENDERS AN ESSENTIAL WORKER~~
4 ~~UNABLE TO PERFORM REQUIRED DAILY DUTIES BECAUSE THE PHYSICAL CONDITION~~
5 ~~OF THE WORKSITE REPRESENTS A REASONABLE THREAT TO A WORKER'S HEALTH~~
6 ~~OR SAFETY.~~

7 (2) ~~"UNSAFE WORK ENVIRONMENT" INCLUDES:~~

8 (I) ~~UNSANITARY CONDITIONS IN THE WORKPLACE;~~

9 (II) ~~AN ESSENTIAL EMPLOYER'S FAILURE TO PROVIDE~~
10 ~~PERSONAL PROTECTIVE EQUIPMENT;~~

11 (III) ~~LACK OF EMPLOYER ADHERENCE TO FEDERAL AND STATE~~
12 ~~HEALTH AND SAFETY STANDARDS RELATED TO THE EMERGENCY;~~

13 (IV) ~~AN ESSENTIAL EMPLOYER'S FAILURE TO DEVELOP AND~~
14 ~~ENFORCE HEALTH AND SAFETY PROTOCOLS RELATED TO THE EMERGENCY; AND~~

15 (V) ~~AN ESSENTIAL EMPLOYER'S FAILURE TO NOTIFY WORKERS~~
16 ~~OF ILLNESSES, BROKEN OR IMPROPERLY FUNCTIONING EQUIPMENT, OR ANY OTHER~~
17 ~~DANGEROUS OR HAZARDOUS CONDITIONS WHICH REPRESENT A REASONABLE~~
18 ~~THREAT TO THE ESSENTIAL WORKER'S HEALTH OR SAFETY.~~

19 (B) ~~SUBJECT TO THE REQUIREMENTS SET FORTH IN SUBSECTION (D) OF~~
20 ~~THIS SECTION, IF AN ESSENTIAL WORKER FEARS FOR THE ESSENTIAL WORKER'S~~
21 ~~LIFE OR HEALTH DURING AN EMERGENCY DUE TO THE NATURE OF THE WORK BEING~~
22 ~~PERFORMED, AN ESSENTIAL WORKER MAY REFUSE TO FULFILL A RESPONSIBILITY~~
23 ~~THAT:~~

24 (1) ~~IS REQUIRED OR ENCOURAGED BY AN ESSENTIAL EMPLOYER; AND~~

25 (2) ~~RELATES TO AN UNSAFE WORK ENVIRONMENT.~~

26 (C) ~~AN ESSENTIAL EMPLOYER MAY NOT RETALIATE AGAINST AN ESSENTIAL~~
27 ~~WORKER OR ANY OTHER WORKER IN THE FORM OF DISCHARGE, DISCIPLINARY~~
28 ~~ACTION, OR OTHER ADVERSE ACTION FOR:~~

29 (1) ~~WITNESSING A CONDITION CAUSING AN UNSAFE WORK~~
30 ~~ENVIRONMENT;~~

1 ~~(2) NOTIFYING THE ESSENTIAL EMPLOYER OR A GOVERNMENTAL~~
2 ~~ENTITY OF THE UNSAFE WORK ENVIRONMENT; OR~~

3 ~~(3) FILING A FORMAL OR INFORMAL COMPLAINT.~~

4 ~~(D) (1) IN ORDER TO BE PROTECTED UNDER SUBSECTION (C) OF THIS~~
5 ~~SECTION, AN ESSENTIAL WORKER SHALL PROMPTLY NOTIFY THE COMMISSIONER IN~~
6 ~~WRITING WITHIN 3 DAYS AFTER THE DATE ON WHICH THE ESSENTIAL WORKER~~
7 ~~BECAME AWARE OF THE CONDITION CAUSING AN UNSAFE WORK ENVIRONMENT.~~

8 ~~(2) THE COMMISSIONER SHALL:~~

9 ~~(I) PROMPTLY NOTIFY THE ESSENTIAL EMPLOYER OF THE~~
10 ~~CONTENT OF THE WRITTEN COMPLAINT; AND~~

11 ~~(II) IN ITS DISCRETION, SET FORTH REQUIREMENTS THAT THE~~
12 ~~ESSENTIAL EMPLOYER SHALL MEET TO EFFECTIVELY AND IMMEDIATELY REMEDY~~
13 ~~THE UNSAFE WORK ENVIRONMENT.~~

14 ~~(3) (I) IF AN ESSENTIAL EMPLOYER DOES NOT REMEDY THE~~
15 ~~CONDITION CAUSING THE UNSAFE WORK ENVIRONMENT, THE COMMISSIONER~~
16 ~~SHALL ASSESS A CIVIL PENALTY OF NOT MORE THAN \$50 FOR EACH DAY THAT THE~~
17 ~~CONDITION CAUSING THE UNSAFE WORK ENVIRONMENT IS NOT REMEDIED.~~

18 ~~(II) THE AMOUNT OF A PENALTY ASSESSED UNDER~~
19 ~~SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT EXCEED \$1,000 PER~~
20 ~~OCCURRENCE.~~

21 ~~(III) IF THE COMMISSIONER DETERMINES THAT AN EMPLOYER~~
22 ~~HAS VIOLATED THE PROVISIONS OF THIS SECTION, THE COMMISSIONER:~~

23 ~~1. SHALL ISSUE AN ORDER COMPELLING COMPLIANCE;~~
24 ~~AND~~

25 ~~2. MAY, IN THE COMMISSIONER'S DISCRETION, ASSESS A~~
26 ~~PENALTY OF UP TO \$1,000 FOR EACH APPLICANT FOR EMPLOYMENT FOR WHOM THE~~
27 ~~EMPLOYER WAS NOT IN COMPLIANCE.~~

28 ~~(IV) IN DETERMINING THE AMOUNT OF THE PENALTY, THE~~
29 ~~COMMISSIONER SHALL CONSIDER:~~

30 ~~1. THE GRAVITY OF THE VIOLATION;~~

31 ~~2. THE SIZE OF THE EMPLOYER'S BUSINESS;~~

1 ~~3. THE EMPLOYER'S GOOD FAITH; AND~~

2 ~~4. THE EMPLOYER'S HISTORY OF VIOLATIONS UNDER~~
3 ~~THE SECTION.~~

4 ~~(4) IF THE COMMISSIONER ASSESSES A PENALTY UNDER PARAGRAPH~~
5 ~~(3)(II) OF THIS SUBSECTION, THE PENALTY SHALL BE SUBJECT TO THE NOTICE AND~~
6 ~~HEARING REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT~~
7 ~~ARTICLE.~~

8 ~~(5) THE COMMISSIONER SHALL ADOPT REGULATIONS TO CARRY OUT~~
9 ~~THIS SUBSECTION.~~

10 ~~(E) IN ADDITION TO THE REQUIREMENTS OF THIS SUBTITLE, AN ESSENTIAL~~
11 ~~EMPLOYER SHALL COMPLY WITH ANY STANDARDS, PROTOCOLS, OR PROCEDURES~~
12 ~~THAT THE COMMISSIONER REQUIRES, INCLUDING ANY EMERGENCY OR TEMPORARY~~
13 ~~STANDARD.~~

14 ~~3-1606.~~

15 ~~(A) EACH ESSENTIAL EMPLOYER SHALL:~~

16 ~~(1) PREPARE A HEALTH EMERGENCY PREPAREDNESS PLAN FOR~~
17 ~~RESPONDING TO A CATASTROPHIC HEALTH EMERGENCY AS DEFINED UNDER §~~
18 ~~14-3A-01 OF THE PUBLIC SAFETY ARTICLE; AND~~

19 ~~(2) ANNUALLY REVIEW THE HEALTH EMERGENCY PREPAREDNESS~~
20 ~~PLAN AND SUBMIT ANY CHANGES TO THE DIRECTOR OF THE MARYLAND~~
21 ~~EMERGENCY MANAGEMENT AGENCY.~~

22 ~~(B) THE HEALTH EMERGENCY PREPAREDNESS PLAN REQUIRED UNDER~~
23 ~~SUBSECTION (A) OF THIS SECTION SHALL CONTAIN THE FOLLOWING PROVISIONS:~~

24 ~~(1) STEPS AN ESSENTIAL WORKER MAY TAKE IF AN ESSENTIAL~~
25 ~~EMPLOYER ENGAGES IN RETALIATION OR OTHER UNLAWFUL EMPLOYMENT~~
26 ~~PRACTICES;~~

27 ~~(2) PROCEDURES THAT GOVERN THE USE AND MAINTENANCE OF~~
28 ~~PERSONAL PROTECTIVE EQUIPMENT;~~

29 ~~(3) WORK HOURS AND SHIFTS THAT WOULD TAKE EFFECT DURING~~
30 ~~THE CATASTROPHIC HEALTH EMERGENCY;~~

1 ~~(4) SANITATION PROCEDURES;~~

2 ~~(5) TELEWORKING CAPABILITIES, IF APPLICABLE;~~

3 ~~(6) ANY CHANGES IN PAY AND BENEFITS; AND~~

4 ~~(7) MECHANISMS FOR NOTIFYING ESSENTIAL WORKERS OF POSITIVE~~
5 ~~TEST RESULTS FOR ILLNESS.~~

6 ~~(C) EACH ESSENTIAL EMPLOYER SHALL:~~

7 ~~(1) DISPLAY THE MOST RECENT HEALTH EMERGENCY~~
8 ~~PREPAREDNESS PLAN IN A COMMON AREA WHERE IT IS VISIBLE TO ALL ESSENTIAL~~
9 ~~WORKERS; AND~~

10 ~~(2) ON OR BEFORE DECEMBER 31 EACH YEAR, SUBMIT THE HEALTH~~
11 ~~EMERGENCY PREPAREDNESS PLAN TO THE MARYLAND EMERGENCY MANAGEMENT~~
12 ~~AGENCY AND THE EMERGENCY MANAGEMENT DIRECTOR FOR EACH COUNTY IN~~
13 ~~WHICH THE ESSENTIAL EMPLOYER HAS AN OFFICE LOCATION.~~

14 ~~3-1607.~~

15 3-1604.

16 AN ESSENTIAL WORKER HAS A RIGHT TO REFUSE TO PERFORM AN ASSIGNED
17 TASK AS PROVIDED UNDER § 5-604 OF THIS ARTICLE AND COROLLARY
18 REGULATIONS.

19 3-1605.

20 (A) DURING AN EMERGENCY, IF AN ESSENTIAL WORKER OR ANY OTHER
21 WORKER HAS CONTRACTED ~~AN INFECTIOUS DISEASE~~ THE COMMUNICABLE DISEASE
22 THAT IS THE SUBJECT OF THE EMERGENCY AT A WORK SITE, THE ESSENTIAL
23 EMPLOYER SHALL TAKE PROACTIVE STEPS TO MINIMIZE THE RISK OF
24 TRANSMISSION, INCLUDING:

25 ~~(1) INFORMING ESSENTIAL WORKERS THAT THEY MAY HAVE BEEN~~
26 ~~EXPOSED; AND~~

27 ~~(2) EVACUATING THE WORKSITE UNTIL IT HAS BEEN PROPERLY~~
28 ~~SANITIZED~~ EXPOSED.

29 (B) (1) ~~IF~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
30 IF AN ESSENTIAL WORKER'S HEALTH INSURANCE COVERAGE OR OTHER BENEFITS

1 DO NOT COVER THE COST OF TESTING FOR ~~A CONTAGIOUS ILLNESS OR THE~~
 2 COMMUNICABLE DISEASE, DURING THAT IS THE SUBJECT OF THE EMERGENCY,
 3 DURING AN EMERGENCY, THE ESSENTIAL EMPLOYER SHALL PAY ALL COSTS
 4 ASSOCIATED WITH THAT TESTING FOR TESTING FOR THE COMMUNICABLE DISEASE.

5 (2) AN ESSENTIAL EMPLOYER IS NOT SUBJECT TO THE REQUIREMENT
 6 UNDER PARAGRAPH (1) OF THIS SUBSECTION IF AN ESSENTIAL WORKER IS ABLE TO
 7 OBTAIN TESTING FREE OF CHARGE.

8 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH
 9 ESSENTIAL EMPLOYER SHALL REPORT ALL POSITIVE TEST RESULTS TO THE
 10 MARYLAND DEPARTMENT OF HEALTH.

11 (2) WHEN REPORTING TO THE MARYLAND DEPARTMENT OF
 12 HEALTH, THE ESSENTIAL EMPLOYER SHALL:

13 (I) INCLUDE DEMOGRAPHIC INFORMATION ABOUT THE
 14 ESSENTIAL WORKER; AND

15 (II) REDACT ANY PERSONAL IDENTIFYING INFORMATION TO
 16 PROTECT THE IDENTITY OF THE ESSENTIAL WORKER.

17 (D) THE MARYLAND DEPARTMENT OF HEALTH SHALL COLLECT POSITIVE
 18 TEST RESULTS, CATEGORIZE THE RESULTS BY INDUSTRY, AND PUBLISH THE
 19 RESULTS IN A FORMAT THAT IS READILY ACCESSIBLE TO THE GENERAL PUBLIC.

20 (E) THE COMMISSIONER SHALL ADOPT REGULATIONS AS NECESSARY TO
 21 CARRY OUT THIS SECTION.

22 ~~3-1608.~~ 3-1606.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 24 INDICATED.

25 ~~(2) "BEREAVEMENT LEAVE" MEANS PAID LEAVE THAT AN ESSENTIAL~~
 26 ~~EMPLOYER PROVIDES TO AN ESSENTIAL WORKER DURING AN EMERGENCY DUE TO~~
 27 ~~THE DEATH OF A FAMILY MEMBER THAT RESULTED FROM THE EMERGENCY.~~

28 ~~(2)~~ (2) "FAMILY MEMBER" MEANS:

29 (I) A BIOLOGICAL CHILD, AN ADOPTED CHILD, A FOSTER
 30 CHILD, OR A STEPCHILD OF THE ESSENTIAL WORKER;

1 (II) A CHILD FOR WHOM THE ESSENTIAL WORKER HAS LEGAL OR
2 PHYSICAL CUSTODY OR GUARDIANSHIP;

3 (III) A CHILD FOR WHOM THE ESSENTIAL WORKER STANDS IN
4 LOCO PARENTIS, REGARDLESS OF THE CHILD'S AGE;

5 (IV) A BIOLOGICAL PARENT, AN ADOPTIVE PARENT, A FOSTER
6 PARENT, OR A STEPPARENT OF THE ESSENTIAL WORKER OR OF THE ESSENTIAL
7 WORKER'S SPOUSE;

8 (V) THE LEGAL GUARDIAN OR WARD OF THE ESSENTIAL
9 WORKER OR OF THE ESSENTIAL WORKER'S SPOUSE;

10 (VI) AN INDIVIDUAL WHO ACTED AS A PARENT OR STOOD IN
11 LOCO PARENTIS TO THE ESSENTIAL WORKER OR THE ESSENTIAL WORKER'S SPOUSE
12 WHEN THE ESSENTIAL WORKER OR THE ESSENTIAL WORKER'S SPOUSE WAS A
13 MINOR;

14 (VII) THE SPOUSE OF THE ESSENTIAL WORKER;

15 (VIII) A BIOLOGICAL GRANDPARENT, AN ADOPTED
16 GRANDPARENT, A FOSTER GRANDPARENT, OR A STEPGRANDPARENT OF THE
17 ESSENTIAL WORKER;

18 (IX) A BIOLOGICAL GRANDCHILD, AN ADOPTED GRANDCHILD, A
19 FOSTER GRANDCHILD, OR A STEPGRANDCHILD OF THE ESSENTIAL WORKER; OR

20 (X) A BIOLOGICAL SIBLING, AN ADOPTED SIBLING, A FOSTER
21 SIBLING, OR A STEPSIBLING OF THE ESSENTIAL WORKER.

22 ~~(4) "HEALTH LEAVE" MEANS PAID LEAVE THAT AN ESSENTIAL~~

23 ~~(3) "PUBLIC HEALTH EMERGENCY LEAVE" MEANS PAID LEAVE THAT~~
24 ~~AN ESSENTIAL EMPLOYER PROVIDES TO AN ESSENTIAL WORKER DURING AN~~
25 ~~EMERGENCY DUE TO THE ESSENTIAL WORKER'S ILLNESS OR OTHER HEALTH NEEDS~~
26 ~~RELATED TO THE EMERGENCY AS REQUIRED UNDER SUBSECTION (D) OF THIS~~
27 ~~SECTION.~~

28 ~~(B) EACH ESSENTIAL EMPLOYER SHALL PROVIDE AN ESSENTIAL WORKER~~
29 ~~WITH AT LEAST:~~

30 ~~(1) 3 DAYS OF BEREAVEMENT LEAVE; AND~~

31 ~~(2) 14 DAYS OF HEALTH LEAVE.~~

1 **(B) THIS SECTION APPLIES ONLY IF THE FEDERAL OR STATE GOVERNMENT**
2 **PROVIDES FUNDING THAT CAN BE USED FOR PUBLIC HEALTH EMERGENCY LEAVE.**

3 **(C) AN ESSENTIAL EMPLOYER SHALL PROVIDE AN ESSENTIAL WORKER**
4 **WITH PUBLIC HEALTH EMERGENCY LEAVE ON THE DATE THE FUNDING IS MADE**
5 **AVAILABLE TO THE ESSENTIAL EMPLOYER.**

6 **(D) AN ESSENTIAL EMPLOYER SHALL PROVIDE PAID PUBLIC HEALTH**
7 **EMERGENCY LEAVE:**

8 **(1) IN ADDITION TO ANY OTHER LEAVE OR BENEFIT, INCLUDING**
9 **EARNED SICK AND SAFE LEAVE UNDER SUBTITLE 13 OF THIS TITLE; AND**

10 **(2) IN THE FOLLOWING AMOUNTS:**

11 **(I) IF SPECIFIED IN A FEDERAL PROGRAM, ORDER, LAW, OR**
12 **REGULATION, THE AMOUNT PROVIDED FOR UNDER THE PROGRAM, ORDER, LAW, OR**
13 **REGULATION; OR**

14 **(II) IF NOT SPECIFIED IN A FEDERAL PROGRAM, ORDER, LAW,**
15 **OR REGULATION:**

16 **1. FOR FULL-TIME ESSENTIAL WORKERS WHO**
17 **REGULARLY WORK 40 OR MORE HOURS PER WEEK, 112 HOURS;**

18 **2. FOR PART-TIME ESSENTIAL WORKERS WHO**
19 **REGULARLY WORK LESS THAN 40 HOURS PER WEEK, AN AMOUNT OF HOURS**
20 **EQUIVALENT TO THE AVERAGE HOURS WORKED DURING A TYPICAL 4-WEEK**
21 **WORKING PERIOD;**

22 **3. FOR ESSENTIAL WORKERS WHOSE SCHEDULES AND**
23 **AMOUNT OF HOURS WORKED VARY FROM WEEK TO WEEK, THE AVERAGE NUMBER OF**
24 **HOURS THAT THE ESSENTIAL WORKER WAS SCHEDULED PER WEEK OVER THE**
25 **6-MONTH PERIOD ENDING ON THE DATE ON WHICH THE EMERGENCY IS DECLARED**
26 **OR PROCLAIMED; OR**

27 **4. IF THE ESSENTIAL WORKER DID NOT WORK DURING**
28 **THE 6-MONTH PERIOD ENDING ON THE DATE ON WHICH THE EMERGENCY IS**
29 **DECLARED OR PROCLAIMED, THE REASONABLE EXPECTATION OF THE ESSENTIAL**
30 **WORKER AT THE TIME OF HIRING OR THE AVERAGE NUMBER OF HOURS PER WEEK**
31 **THAT THE WORKER WOULD NORMALLY BE SCHEDULED TO WORK, WHICHEVER IS**
32 **GREATER.**

1 **(E) EACH ESSENTIAL EMPLOYER SHALL ALLOW AN ESSENTIAL WORKER TO**
2 **USE PUBLIC HEALTH EMERGENCY LEAVE PROVIDED UNDER SUBSECTION (C) OF**
3 **THIS SECTION IN RELATION TO AN EMERGENCY:**

4 **(1) TO ISOLATE WITHOUT AN ORDER TO DO SO BECAUSE THE**
5 **ESSENTIAL WORKER:**

6 **(I) HAS BEEN DIAGNOSED WITH THE COMMUNICABLE DISEASE**
7 **THAT IS THE SUBJECT OF THE EMERGENCY; OR**

8 **(II) IS EXPERIENCING SYMPTOMS ASSOCIATED WITH THE**
9 **COMMUNICABLE DISEASE THAT IS THE SUBJECT OF THE EMERGENCY AND IS**
10 **AWAITING THE RESULTS OF A TEST TO CONFIRM THE DIAGNOSIS;**

11 **(2) TO SEEK OR OBTAIN A MEDICAL DIAGNOSIS, PREVENTIVE CARE,**
12 **OR TREATMENT BECAUSE THE ESSENTIAL WORKER IS DIAGNOSED WITH THE**
13 **COMMUNICABLE DISEASE THAT IS THE SUBJECT OF THE EMERGENCY;**

14 **(3) TO CARE FOR A FAMILY MEMBER WHO IS ISOLATING, WITHOUT AN**
15 **ORDER TO DO SO, BECAUSE OF A DIAGNOSIS OF THE COMMUNICABLE DISEASE THAT**
16 **IS THE SUBJECT OF THE EMERGENCY;**

17 **(4) DUE TO A DETERMINATION BY A PUBLIC HEALTH OFFICIAL OR**
18 **HEALTH CARE PROFESSIONAL THAT THE ESSENTIAL WORKER'S PRESENCE AT THE**
19 **PLACE OF EMPLOYMENT OR IN THE COMMUNITY WOULD JEOPARDIZE THE HEALTH**
20 **OF OTHER INDIVIDUALS BECAUSE OF THE ESSENTIAL WORKER'S EXPOSURE TO, OR**
21 **EXHIBITED SYMPTOMS ASSOCIATED WITH, THE COMMUNICABLE DISEASE THAT IS**
22 **THE SUBJECT OF THE EMERGENCY, REGARDLESS OF WHETHER THE ESSENTIAL**
23 **WORKER HAS BEEN DIAGNOSED WITH THE COMMUNICABLE DISEASE;**

24 **(5) TO CARE FOR A FAMILY MEMBER DUE TO A DETERMINATION BY A**
25 **PUBLIC HEALTH OFFICIAL OR HEALTH CARE PROFESSIONAL THAT THE FAMILY**
26 **MEMBER'S PRESENCE AT THE PLACE OF EMPLOYMENT OR IN THE COMMUNITY**
27 **WOULD JEOPARDIZE THE HEALTH OF OTHERS BECAUSE OF THE FAMILY MEMBER'S**
28 **EXPOSURE TO, OR EXHIBITED SYMPTOMS ASSOCIATED WITH, THE COMMUNICABLE**
29 **DISEASE THAT IS THE SUBJECT OF THE EMERGENCY OR DUE TO SYMPTOMS**
30 **EXHIBITED REGARDLESS OF WHETHER THE FAMILY MEMBER HAS BEEN DIAGNOSED**
31 **WITH THE COMMUNICABLE DISEASE; OR**

32 **(6) TO CARE FOR A CHILD OR OTHER FAMILY MEMBER:**

33 **(I) WHEN THE CARE PROVIDER OF THE FAMILY MEMBER IS**
34 **UNAVAILABLE DUE TO THE EMERGENCY; OR**

1 (II) IF THE CHILD'S OR FAMILY MEMBER'S SCHOOL OR PLACE OF
 2 CARE HAS BEEN CLOSED BY A FEDERAL, STATE, OR LOCAL PUBLIC OFFICIAL OR AT
 3 THE DISCRETION OF THE SCHOOL OR PLACE OF CARE DUE TO THE EMERGENCY,
 4 INCLUDING IF THE SCHOOL OR PLACE OF CARE IS PHYSICALLY CLOSED BUT
 5 PROVIDING INSTRUCTION REMOTELY.

6 ~~(E)~~ (F) THIS SECTION MAY NOT BE CONSTRUED TO:

7 (1) REQUIRE AN ESSENTIAL EMPLOYER TO ~~ALLOW AN ESSENTIAL~~
 8 ~~WORKER TO TAKE LEAVE UNDER SUBSECTION (B) OF THIS SECTION CONSECUTIVELY~~
 9 ~~WITH EARNED SICK AND SAFE LEAVE UNDER SUBTITLE 13 OF THIS TITLE; OR~~
 10 COMPENSATE AN ESSENTIAL WORKER FOR UNUSED PUBLIC HEALTH EMERGENCY
 11 LEAVE WHEN THE ESSENTIAL WORKER LEAVES EMPLOYMENT;

12 (2) PREEMPT, LIMIT, OR OTHERWISE AFFECT ANY OTHER LAW THAT
 13 PROVIDES FOR PUBLIC HEALTH EMERGENCY LEAVE BENEFITS THAT ARE MORE
 14 GENEROUS THAN REQUIRED UNDER THIS SECTION;

15 (3) PREEMPT, LIMIT, OR OTHERWISE AFFECT ANY WORKERS'
 16 COMPENSATION BENEFITS THAT ARE AVAILABLE UNDER TITLE 9 OF THIS ARTICLE;

17 (4) PROHIBIT AN ESSENTIAL EMPLOYER FROM ADOPTING AND
 18 ENFORCING A POLICY THAT PROHIBITS THE IMPROPER USE OF PUBLIC HEALTH
 19 EMERGENCY LEAVE, INCLUDING PROHIBITING A PATTERN OF ABUSE OF THE LEAVE;
 20 OR

21 ~~(2)~~ (5) PROHIBIT AN ESSENTIAL EMPLOYER FROM PROVIDING
 22 ADDITIONAL ~~BEREAVEMENT LEAVE, HEALTH LEAVE,~~ PUBLIC HEALTH EMERGENCY
 23 PAID LEAVE OR ANY OTHER TYPE OF LEAVE.

24 (G) (1) AN ESSENTIAL EMPLOYER MAY REQUIRE AN ESSENTIAL WORKER
 25 WHO USES PUBLIC HEALTH EMERGENCY LEAVE TO PROVIDE DOCUMENTATION OF
 26 THE NEED TO USE THE PUBLIC HEALTH EMERGENCY LEAVE.

27 (2) IF AN ESSENTIAL WORKER FAILS OR REFUSES TO PROVIDE
 28 DOCUMENTATION AS REQUIRED BY AN ESSENTIAL EMPLOYER UNDER PARAGRAPH
 29 (1) OF THIS SUBSECTION, AN ESSENTIAL EMPLOYER MAY REFUSE TO PAY THE
 30 ESSENTIAL WORKER FOR THE PUBLIC HEALTH EMERGENCY LEAVE.

31 (3) THE COMMISSIONER SHALL ADOPT REGULATIONS REGARDING
 32 THE FORMS OF DOCUMENTATION THAT AN ESSENTIAL EMPLOYER MAY REQUIRE
 33 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

1 ~~(A) (1) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~
2 ~~PARAGRAPH AND SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, DURING~~
3 ~~AN EMERGENCY, EACH ESSENTIAL EMPLOYER SHALL PROVIDE AN ESSENTIAL~~
4 ~~WORKER WITH HAZARD PAY FOR EACH PAY PERIOD THAT THE ESSENTIAL WORKER~~
5 ~~WORKS, AT THE REGULAR INTERVAL IN WHICH THE ESSENTIAL WORKER IS PAID.~~

6 ~~(H) AN ESSENTIAL EMPLOYER IS NOT REQUIRED TO PROVIDE~~
7 ~~AN ESSENTIAL WORKER WITH HAZARD PAY IF THE ESSENTIAL EMPLOYER EARNS~~
8 ~~\$100,000 OR MORE PER YEAR.~~

9 ~~(III) THE AMOUNT OF HAZARD PAY PROVIDED UNDER~~
10 ~~SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE IN THE AMOUNT OF \$3.00 PER~~
11 ~~HOUR, UNLESS A COLLECTIVE BARGAINING AGREEMENT OR SIMILAR AGREEMENT~~
12 ~~PROVIDES FOR A HIGHER AMOUNT.~~

13 ~~(2) AN ESSENTIAL WORKER IS ELIGIBLE FOR HAZARD PAY DATING~~
14 ~~BACK TO THE START OF THE EMERGENCY.~~

15 ~~(3) AN ESSENTIAL EMPLOYER MAY NOT LOWER AN ESSENTIAL~~
16 ~~WORKER'S REGULAR RATE OF PAY TO ACCOMMODATE THE HAZARD PAY.~~

17 ~~(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, HAZARD PAY~~
18 ~~MAY NOT BE COUNTED TOWARDS AN ESSENTIAL WORKER'S ELIGIBILITY FOR ANY~~
19 ~~STATE MEANS TESTED BENEFIT PROGRAMS.~~

20 ~~(B) (1) DURING AN EMERGENCY, EACH ESSENTIAL EMPLOYER SHALL~~
21 ~~PROVIDE FINANCIAL ASSISTANCE FOR UNREIMBURSED HEALTH CARE COSTS TO~~
22 ~~EACH ESSENTIAL WORKER WHO BECOMES SICK OR IS INJURED IF THE SICKNESS OR~~
23 ~~INJURY IS RELATED TO THE EMERGENCY.~~

24 ~~(2) (i) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,~~
25 ~~EACH ESSENTIAL EMPLOYER SHALL SATISFY THE REQUIREMENT UNDER~~
26 ~~PARAGRAPH (1) OF THIS SUBSECTION FOR ESSENTIAL WORKERS WHO HAVE HEALTH~~
27 ~~INSURANCE COVERAGE BY REIMBURSING OR PAYING ANY CO-PAYS, INSURANCE~~
28 ~~PREMIUMS, OUT OF POCKET COSTS OF MEDICAL COVERAGE, OR OUT OF POCKET~~
29 ~~TRANSPORTATION COSTS INCURRED OR PAID BY THE ESSENTIAL WORKER.~~

30 ~~(H) IF AN ESSENTIAL WORKER IS RECEIVING MEDICAL~~
31 ~~BENEFITS UNDER THE MARYLAND WORKERS' COMPENSATION ACT, THE ESSENTIAL~~
32 ~~EMPLOYER SHALL BE CONSIDERED TO HAVE SATISFIED THE REQUIREMENT UNDER~~
33 ~~PARAGRAPH (1) OF THIS SUBSECTION WITH REGARD TO THAT ESSENTIAL WORKER.~~

~~(3) EACH ESSENTIAL EMPLOYER SHALL SATISFY THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR ESSENTIAL WORKERS WHO DO NOT HAVE HEALTH INSURANCE COVERAGE BY ASSISTING THE ESSENTIAL WORKER IN OBTAINING AND PAYING FOR HEALTH INSURANCE COVERAGE, SUCH AS THROUGH COVERAGE OBTAINED THROUGH THE MARYLAND HEALTH BENEFIT EXCHANGE DURING A SPECIAL ENROLLMENT PERIOD INITIATED AS A RESULT OF THE EMERGENCY.~~

~~(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FINANCIAL ASSISTANCE PROVIDED FOR HEALTH CARE COSTS MAY NOT BE COUNTED TOWARDS AN ESSENTIAL WORKER'S ELIGIBILITY FOR ANY STATE MEANS TESTED BENEFIT PROGRAMS.~~

~~3-1610. 3-1607.~~

~~AN ESSENTIAL EMPLOYER MAY NOT INTENTIONALLY OR UNINTENTIONALLY KNOWINGLY MISCLASSIFY AN ESSENTIAL WORKER AS AN INDEPENDENT CONTRACTOR OR OTHER CLASSIFICATION IN ORDER TO AVOID PAYING AN ESSENTIAL WORKER THE HAZARD PAY REQUIRED UNDER § 13-1609 OF THIS SUBTITLE OR ANY OTHER ANY BENEFITS DUE DURING AN EMERGENCY UNDER THIS SUBTITLE.~~

~~3-1611.~~

~~(A) (1) A PERSON THAT ALLEGES A VIOLATION OF THIS SUBTITLE MAY FILE A COMPLAINT WITH THE COMMISSIONER WITHIN 2 YEARS AFTER THE DATE THE PERSON KNEW OR SHOULD HAVE KNOWN OF THE ALLEGED VIOLATION.~~

~~(2) ON RECEIVING A COMPLAINT, THE COMMISSIONER SHALL INVESTIGATE THE COMPLAINT.~~

~~(3) THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE MAY OPEN AN INVESTIGATION ON THE COMMISSIONER'S OWN INITIATIVE.~~

~~(4) AN ESSENTIAL EMPLOYER THAT IS UNDER INVESTIGATION SHALL COMPLY WITH ANY REQUESTS FROM THE COMMISSIONER TO PROVIDE EVIDENCE OR INFORMATION AS A PART OF THE INVESTIGATION.~~

~~(5) (i) THE COMMISSIONER SHALL KEEP THE IDENTITY OF A COMPLAINANT CONFIDENTIAL UNLESS DISCLOSURE IS NECESSARY TO RESOLVE THE INVESTIGATION OR IS OTHERWISE REQUIRED BY LAW.~~

1 ~~(H) TO THE EXTENT PRACTICABLE, BEFORE DISCLOSING A~~
2 ~~COMPLAINANT'S IDENTITY, THE COMMISSIONER SHALL NOTIFY THE COMPLAINANT~~
3 ~~OF THE NEED TO DISCLOSE.~~

4 ~~(B) IF THE COMMISSIONER DETERMINES THAT AN ESSENTIAL EMPLOYER~~
5 ~~HAS VIOLATED THIS SUBTITLE, THE COMMISSIONER:~~

6 ~~(1) SHALL ISSUE AN ORDER COMPELLING COMPLIANCE; AND~~

7 ~~(2) MAY:~~

8 ~~(I) IMPOSE A CIVIL PENALTY OF NOT MORE THAN \$1,000; AND~~

9 ~~(H) GRANT AN ESSENTIAL WORKER CURRENTLY OR FORMERLY~~
10 ~~EMPLOYED BY THE ESSENTIAL EMPLOYER:~~

11 ~~1. COMPENSATORY DAMAGES AND ANY OTHER RELIEF~~
12 ~~NECESSARY TO MAKE THE INDIVIDUAL WHOLE;~~

13 ~~2. RESCISSION OF ANY DISCIPLINE ISSUED IN~~
14 ~~VIOLATION OF THIS SUBTITLE;~~

15 ~~3. REINSTATEMENT OF AN ESSENTIAL WORKER~~
16 ~~TERMINATED IN VIOLATION OF THIS SUBTITLE;~~

17 ~~4. PAYMENT OF BACK PAY FOR ANY LOSS OF PAY OR~~
18 ~~BENEFITS RESULTING FROM RETALIATION OR OTHER ADVERSE ACTION; AND~~

19 ~~5. REASONABLE ATTORNEY'S FEES.~~

20 ~~(C) (1) FOR EACH VIOLATION, THE RELIEF AUTHORIZED UNDER THIS~~
21 ~~SECTION SHALL BE IMPOSED ON A PER ESSENTIAL WORKER AND PER INSTANCE~~
22 ~~BASIS.~~

23 ~~(2) IN DETERMINING THE AMOUNT OF A CIVIL PENALTY, THE~~
24 ~~COMMISSIONER SHALL CONSIDER:~~

25 ~~(I) THE GRAVITY OF THE VIOLATION;~~

26 ~~(II) THE SIZE OF THE EMPLOYER'S BUSINESS;~~

27 ~~(III) THE EMPLOYER'S GOOD FAITH; AND~~

28 ~~(IV) THE EMPLOYER'S HISTORY OF VIOLATIONS UNDER THE~~
29 ~~SECTION.~~

1 ~~(3) IF THE COMMISSIONER ASSESSES A PENALTY UNDER PARAGRAPH~~
2 ~~(1) OF THIS SUBSECTION, THE PENALTY SHALL BE SUBJECT TO THE NOTICE AND~~
3 ~~HEARING REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT~~
4 ~~ARTICLE.~~

5 3-1608.

6 (A) IF AN ESSENTIAL WORKER BELIEVES THAT AN ESSENTIAL EMPLOYER
7 HAS VIOLATED § 3-1604 OF THIS SUBTITLE:

8 (1) THE ESSENTIAL WORKER MAY SEEK ENFORCEMENT OF RIGHTS
9 UNDER § 5-604 OF THIS ARTICLE; AND

10 (2) THE COMMISSIONER SHALL RESPOND IN ACCORDANCE WITH THE
11 ENFORCEMENT PROVISIONS UNDER TITLE 5 OF THIS ARTICLE.

12 (B) (1) IF AN ESSENTIAL WORKER BELIEVES THAT AN ESSENTIAL
13 EMPLOYER HAS VIOLATED § 3-1606 OF THIS SUBTITLE, THE ESSENTIAL WORKER
14 MAY FILE A WRITTEN COMPLAINT WITH THE COMMISSIONER.

15 (2) WITHIN 90 DAYS AFTER THE RECEIPT OF A WRITTEN COMPLAINT,
16 THE COMMISSIONER SHALL CONDUCT AN INVESTIGATION AND ATTEMPT TO
17 RESOLVE THE ISSUE INFORMALLY THROUGH MEDIATION.

18 (3) (I) IF THE COMMISSIONER IS UNABLE TO RESOLVE AN ISSUE
19 THROUGH MEDIATION DURING THE PERIOD STATED IN PARAGRAPH (2) OF THIS
20 SUBSECTION AND THE COMMISSIONER DETERMINES THAT AN ESSENTIAL
21 EMPLOYER HAS VIOLATED THIS SUBTITLE, THE COMMISSIONER SHALL ISSUE AN
22 ORDER.

23 (II) AN ORDER ISSUED UNDER SUBPARAGRAPH (I) OF THIS
24 PARAGRAPH:

25 1. SHALL DESCRIBE THE VIOLATION;

26 2. SHALL DIRECT THE PAYMENT OF THE FULL
27 MONETARY VALUE OF ANY UNPAID PUBLIC HEALTH EMERGENCY LEAVE AND ANY
28 ACTUAL ECONOMIC DAMAGES;

29 3. MAY, IN THE COMMISSIONER'S DISCRETION, DIRECT
30 THE PAYMENT OF AN ADDITIONAL AMOUNT OF UP TO THREE TIMES THE VALUE OF
31 THE ESSENTIAL WORKER'S HOURLY WAGE FOR EACH VIOLATION; AND

1 4. MAY, IN THE COMMISSIONER'S DISCRETION, ASSESS A
2 CIVIL PENALTY OF UP TO \$1,000 FOR EACH ESSENTIAL WORKER FOR WHOM THE
3 EMPLOYER IS NOT IN COMPLIANCE WITH THIS SUBTITLE.

4 (4) THE ACTIONS TAKEN UNDER PARAGRAPHS (2) AND (3) OF THIS
5 SUBSECTION ARE SUBJECT TO THE HEARING AND NOTICE REQUIREMENTS OF TITLE
6 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

7 (5) WITHIN 30 DAYS AFTER THE COMMISSIONER ISSUES AN ORDER,
8 AN EMPLOYER SHALL COMPLY WITH THE ORDER.

9 (C) IF AN ESSENTIAL WORKER BELIEVES THAT AN ESSENTIAL EMPLOYER
10 HAS VIOLATED ANY OTHER PROVISION OF THIS SUBTITLE:

11 (1) THE ESSENTIAL WORKER MAY FILE A WRITTEN COMPLAINT WITH
12 THE COMMISSIONER; AND

13 (2) THE COMMISSIONER SHALL RESPOND IN ACCORDANCE WITH THE
14 ENFORCEMENT PROVISIONS UNDER TITLE 5 OF THIS ARTICLE.

15 ~~3-1612.~~ 3-1609.

16 THIS SUBTITLE MAY BE CITED AS THE MARYLAND ESSENTIAL WORKERS'
17 PROTECTION ACT.

18 5-205.

19 (P) IN ADDITION TO ANY OTHER AUTHORITY THE COMMISSIONER MAY
20 EXERCISE UNDER THIS TITLE, THE COMMISSIONER SHALL ENFORCE §§ 3-1603,
21 3-1605, AND 3-1607 OF THIS ARTICLE.

22 5-604.

23 (a) (1) An employer or other person may not discharge or otherwise
24 discriminate against an employee on the basis of information gained through participation
25 of the employee in group medical coverage.

26 (2) This title does not prevent an employer from using medical information
27 that:

28 (i) has a direct, material, and timely relationship to the capacity or
29 fitness of an employee to perform the job of the employee properly; or

30 (ii) differs substantially from medical information that the employee
31 falsely provides in an application for employment.

1 **(b)** An employer or other person may not discharge or otherwise discriminate
2 against an employee because the employee:

3 **(1)** files a complaint under or related to this title;

4 **(2)** brings an action under this title or a proceeding under or related to this
5 title or causes the action or proceeding to be brought;

6 **(3)** has testified or will testify in an action under this title or a proceeding
7 under or related to this title; [or]

8 **(4)** exercises, for the employee or another, a right under this title; OR

9 **(5)** IS AN ESSENTIAL WORKER WHO FILES A COMPLAINT OR
10 EXERCISES A RIGHT UNDER § 3-1604 OF THIS ARTICLE.

11 **(c)** **(1)** **(i)** Subject to subparagraph (ii) of this paragraph, an employee who
12 believes that an employer or other person has discharged or otherwise discriminated
13 against the employee in violation of subsection (a) or (b) of this section may submit to the
14 Commissioner a written complaint that alleges the discrimination and that includes the
15 signature of the employee.

16 **(ii)** The Commissioner shall accept as timely an oral complaint made
17 by the employee under the circumstances described in subparagraph (i) of this paragraph,
18 provided the employee submits a written complaint within 7 business days of the oral
19 complaint and that includes the signature of the employee.

20 **(2)** An employee shall file a complaint under this subsection within 30 days
21 after the alleged discrimination occurs.

22 **(d)** **(1)** On receipt of a complaint under subsection (c) of this section, the
23 Commissioner may investigate.

24 **(2)** If, after investigation, the Commissioner determines that an employer
25 or other person has violated subsection (a) or (b) of this section, the Commissioner shall file
26 a complaint to enjoin the violation, to reinstate the employee to the former position with
27 back pay, or for other appropriate relief in the circuit court for:

28 **(i)** the county in which the alleged violation occurred;

29 **(ii)** the county in which the employer has its principal office; or

30 **(iii)** Baltimore City.

31 **(3)** Within 90 days after the Commissioner receives a complaint, the
32 Commissioner shall notify the employee of the determination under this subsection.

1 SECTION 2. AND BE IT FURTHER ENACTED, That:

2 (a) Within 2 weeks after the effective date of this Act, the Secretary of Labor shall:

3 (1) if the federal Occupational Safety and Health Administration has
4 issued an applicable Emergency Temporary Standard related to COVID-19, adopt the
5 Emergency Temporary Standard; or

6 (2) if the federal Occupational Safety and Health Administration has not
7 issued an applicable Emergency Temporary Standard related to COVID-19, adopt a State
8 Emergency Temporary Standard that:

9 (i) meets or exceeds the guidance provided in “Guidance on
10 Mitigating and Preventing the Spread of COVID-19 in the Workplace” published on
11 January 29, 2021, by the federal Occupational Safety and Health Administration; and

12 (ii) complies with subsection (d) of this section.

13 (b) The Secretary of Labor shall set an Emergency Temporary Standard adopted
14 under subsection (a) of this section to expire at the earlier of:

15 (1) the conclusion of the catastrophic health emergency declared by the
16 Governor on March 5, 2020; or

17 (2) the adoption of a permanent aerosol transmissible disease standard by
18 the federal Occupational Safety and Health Administration and the Secretary of Labor.

19 (c) If the Secretary of Labor adopts an Emergency Temporary Standard under
20 subsection (a)(1) of this section, the Emergency Temporary Standard shall remain in effect
21 whether or not it becomes the subject of federal litigation.

22 (d) If the Secretary of Labor adopts an Emergency Temporary Standard under
23 subsection (a)(2) of this section, the Emergency Temporary Standard shall require each
24 employer to:

25 (1) notify the Maryland Department of Health within 24 hours after the
26 confirmation of a positive case of COVID-19;

27 (2) notify the Maryland Department of Health within 24 hours after the
28 confirmation of three or more employees at a workplace testing positive for COVID-19
29 within a 14-day period;

30 (3) post in a location visible to employees at the work site:

31 (i) information regarding COVID-19 symptoms;

- 1 (ii) protocols for an employee's reaction to experiencing COVID-19
2 symptoms;
- 3 (iii) the minimum safety standards developed under the regulations;
4 and
- 5 (iv) the process for submitting a complaint to Maryland Occupational
6 Safety and Health; and
- 7 (4) comply with the prohibitions relating to terminating or discriminating
8 against employees.

9 SECTION 3. AND BE IT FURTHER ENACTED, That:

10 (a) On or before August 1, 2021, the Maryland Department of Health, in
11 consultation with the Maryland Department of Labor and local health departments, shall
12 develop a template health emergency preparedness plan for responding to a catastrophic
13 health emergency as defined under § 14-3A-01 of the Public Safety Article.

14 (b) The health emergency preparedness plan developed under subsection (a) of
15 this section shall:

16 (1) be consistent with any applicable federal and State standards;

17 (2) incorporate input from employers; and

18 (3) include the following provisions:

19 (i) a coordinated process for handling complaints related to unsafe
20 working conditions due to a catastrophic health emergency; and

21 (ii) methods for raising public awareness about the process for filing
22 a complaint about unsafe working conditions due to a catastrophic health emergency.

23 (c) In addition to the template health emergency preparedness plan, on or before
24 October 1, 2021, the Maryland Department of Health, in consultation with the Maryland
25 Department of Labor and local health departments, shall report to the General Assembly,
26 in accordance with § 2-1257 of the State Government Article, on recommendations for
27 potential legislation to enhance the agencies' enforcement authority during a catastrophic
28 health emergency.

29 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before January 1, 2022,
30 Maryland Occupational Safety and Health shall report to the General Assembly, in
31 accordance with § 2-1257 of the State Government Article, on enforcement actions related
32 to COVID-19, including:

33 (1) the number of formal and informal complaints received;

1 (2) the number of site inspections conducted; and

2 (3) information related to any citations issued to employers.

3 SECTION 5. AND BE IT FURTHER ENACTED, That the Commissioner of Labor
4 and Industry shall adopt the regulations required under this Act, as soon as practicable
5 after the effective date of this Act.

6 SECTION 6. AND BE IT FURTHER ENACTED, That:

7 (a) This Act shall be construed to apply only prospectively and may not be applied
8 or interpreted to require an essential employer to pay an essential worker for leave taken
9 before the effective date of this Act.

10 (b) Due to the declaration of a state of emergency by the Governor related to the
11 COVID-19 pandemic, each essential employer shall provide the public health emergency
12 paid leave required under § 3-1606, as enacted by Section 1 of this Act, to each essential
13 worker on the date that federal or State funding for the public health emergency leave is
14 made available to the employer.

15 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to~~
16 ~~apply only prospectively and may not be applied or interpreted to require the payment of~~
17 ~~hazard pay for work performed in an emergency before the effective date of this Act.~~

18 SECTION ~~2~~ 7. AND BE IT FURTHER ENACTED, That this Act is an emergency
19 measure, is necessary for the immediate preservation of the public health or safety, has
20 been passed by a yea and nay vote supported by three-fifths of all the members elected to
21 each of the two Houses of the General Assembly, and shall take effect from the date it is
22 enacted. Sections 2 and 3 of this Act shall remain effective until the date that is 6 months
23 from the date on which the state of emergency declared by the Governor due to the
24 COVID-19 pandemic ends under Title 14 of the Public Safety Article and, at the end of that
25 period, Sections 2 and 3 of this Act, with no further action required by the General
26 Assembly, shall be abrogated and of no further force and effect.