

HOUSE BILL 78

D5, K3

(PRE-FILED)

2lr0608
CF 2lr0622

By: **Delegates Rogers and Charkoudian**

Requested: September 30, 2021

Introduced and read first time: January 12, 2022

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Discrimination in Employment – Reasonable Accommodations for Applicants**
3 **With Disabilities**

4 FOR the purpose of prohibiting an employer from failing or refusing to make a certain
5 accommodation for a known disability of an otherwise qualified applicant for
6 employment; establishing that an employer is not required to accommodate an
7 applicant for employment's disability under certain circumstances; and generally
8 relating to discrimination in employment and reasonable accommodations for
9 applicants with disabilities.

10 BY repealing and reenacting, with amendments,
11 Article – State Government
12 Section 20–603 and 20–606(a)
13 Annotated Code of Maryland
14 (2021 Replacement Volume)

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

17 **Article – State Government**

18 20–603.

19 This subtitle does not require:

20 (1) an employer, employment agency, labor organization, or joint
21 labor–management committee subject to this subtitle to grant preferential treatment to
22 any individual or group on the basis of the race, color, religion, sex, age, national origin,
23 gender identity, sexual orientation, or disability of the individual or group because an
24 imbalance may exist with respect to the total number or percentage of individuals of any

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 race, color, religion, sex, age, national origin, gender identity, or sexual orientation or
2 individuals with disabilities employed by the employer, referred or classified for
3 employment by the employment agency or labor organization, admitted to membership or
4 classified by the labor organization, or admitted to, or employed in, any apprenticeship or
5 other training program, compared to the total number or percentage of individuals of that
6 race, color, religion, sex, age, national origin, gender identity, or sexual orientation or
7 individuals with disabilities in the State or any community, section, or other area, or in the
8 available work force in the State or any community, section, or other area; or

9 (2) an employer to reasonably accommodate an employee's religion or
10 disability, **OR A QUALIFIED APPLICANT FOR EMPLOYMENT'S DISABILITY**, if the
11 accommodation would cause undue hardship on the conduct of the employer's business.

12 20-606.

13 (a) An employer may not:

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

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

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

23 (2) limit, segregate, or classify its employees or applicants for employment
24 in any way that would deprive or tend to deprive any individual of employment
25 opportunities or otherwise adversely affect the individual's status as an employee because
26 of:

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

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

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

35 (4) fail or refuse to make a reasonable accommodation for the known
36 disability of an otherwise qualified employee **OR APPLICANT FOR EMPLOYMENT**; or

1 (5) engage in harassment of an employee.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2022.