

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 469 (Delegate Fair)
Economic Matters

Employment Discrimination - Exceptions - Religious Activities of Religious Employers

This bill specifies that a statutory exception for religious employers to certain prohibitions against employment discrimination (within Title 20, Subtitle 6 of the State Government Article) applies only to the religious activities of the employers.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect the workloads of the Judiciary, the Office of Administrative Hearings, or the Maryland Commission on Civil Rights, or otherwise materially affect State finances or operations.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: Generally, provisions in Title 20, Subtitle 6 of the State Government Article prohibit discrimination in employment by any person based on, among other things, religion, sexual orientation, and gender identity. However, under current law, certain exceptions apply, including for religious corporations, associations, educational institutions, or societies with respect to the employment of individuals of a particular religion, sexual orientation, or gender identity to perform work connected *with the activities of the religious entity*. The bill specifies that this exception applies to work connected with the *religious* activities of the entity.

The Supreme Court of Maryland held in *Doe v. Catholic Relief Services*, 484 Md. 640 (2023) that for religious institutions to be exempt from employment discrimination claims under the aforementioned exception, the employee asserting a claim must perform duties that directly further the core mission(s) of the religious entity. In both the majority and dissenting opinions, the justices found the language of the religious entity exemption in the State Government Article to be ambiguous. For further discussion of the court's holding in *Doe*, please see the discussion in the Cases and Decisions [Update](#) prepared by the Department of Legislative Services.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Commission on Civil Rights; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2024
km/jkb

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