

Testimony in Support of House Bill 536

Employment Discrimination – Reasonable Accommodations – Disabilities Due to Childbirth,
Menopause, and Related Medical Conditions
Before the Government, Labor, and Elections Committee: February 12, 2026

The Public Health Law Clinic submits this testimony in support of House Bill 536, which aims to protect employees in Maryland who develop a temporary disability caused or contributed to by pregnancy, childbirth, or a related medical condition. Under federal law, Title VII of the Civil Rights Act,¹ passed in 1964, prohibits employment discrimination based on race, color, religion, sex, and national origin. It was not until 14 years later, with the Pregnancy Discrimination Act of 1978, that pregnancy, childbirth, or related medical conditions were included under Title VII of the Civil Rights Act.² Similarly, the American with Disabilities Act Amendments Act of 2008 (ADAAA) broadened the definition of disability to include impairment or limitations of reproductive functions.³ In 2023 Congress passed the Pregnant Workers Fairness Act (PWFA), mandating employers to provide reasonable accommodations for known limitations related to pregnancy, childbirth, or related medical conditions, unless it causes an undue hardship.⁴ PWFA functions as a floor such that it does not replace or limit any federal, state, or local law that provides greater or equal protections to workers affected by pregnancy, childbirth, or related conditions. House Bill 536 seeks to provide greater protection to Maryland employees by including related medical conditions in state anti-discrimination laws and expand on protections guaranteed by PWFA.

Women and birthing people in Maryland face significant workplace challenges due to temporary health conditions associated with pregnancy, childbirth recovery, and related medical conditions such as vasomotor symptoms due to menopause or the need to express breast milk. Employees may be forced to make unfavorable choices between their health, family responsibilities, and employment.⁵ PWFA requires employers to provide reasonable accommodations for employees who have a known limitation.⁶ A known limitation includes a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or a

¹ Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17 (2018).

² Pregnancy Discrimination Act of 1978, 42 U.S.C. § 2000e(k) (2018). U.S. Equal Employment Opportunity Commission, *Enforcement Guidance on Pregnancy Discrimination and Related Issues*, EEOC, (June 25, 2015), <https://www.eeoc.gov/laws/guidance/enforcement-guidance-pregnancy-discrimination-and-related-issues>.

³ Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101–12213 (2018). U.S. Equal Employment Opportunity Commission, *Americans with Disabilities Act Amendments Act of 2008*, EEOC, <https://www.eeoc.gov/statutes/ada-amendments-act-2008> (last visited Feb. 7, 2026).

⁴ Pregnant Workers Fairness Act, 42 U.S.C. §§ 2000gg–2000gg-5 (2018). U.S. Equal Employment Opportunity Commission, *Pregnant Workers Fairness Act*, EEOC <https://www.eeoc.gov/statutes/pregnant-workers-fairness-act> (last visited Feb. 7, 2026).

⁵ Ana Júlia Calegari Torres et al., *The Impact of Motherhood on Women’s Career Progression: A Scoping Review of Evidence-Based Interventions*, NIH, (Mar. 26, 2024), <https://pmc.ncbi.nlm.nih.gov/articles/PMC11047346/#:~:text=In%20the%20workplace%2C%20mothers%20face,to%20mothers%20through%20multidimensional%20sources>.

⁶ U.S. Equal Employment Opportunity Commission, *Pregnant Workers Fairness Act*, EEOC <https://www.eeoc.gov/statutes/pregnant-workers-fairness-act> (last visited Feb. 7, 2026).

related medical condition that the employee has communicated to the employer.⁷ Under PWFAs, the known limitation does not need to meet the disability definition under the ADA to be afforded reasonable accommodations.⁸

In 2013, the Maryland General Assembly passed the Reasonable Accommodations for Disabilities Due to Pregnancy Act (Senate Bill 784/House Bill 804).⁹ That law requires employers to provide reasonable accommodations for disabilities caused or contributed to by pregnancy and recognized pregnancy and childbirth as temporary disabilities for all job related purposes, including the application of leave and benefit policies.¹⁰ In addition to Maryland, several states, such as New Hampshire, New Mexico, South Carolina, and Nebraska, have state statutes that go beyond federal law that treat pregnancy and childbirth (not related medical conditions) as temporary disabilities and require employers to provide reasonable accommodations for pregnancy and childbirth.¹¹ Other states such as Delaware, California, Connecticut, Illinois, Maine, Oregon, District of Columbia, do not require employers to treat pregnancy and childbirth as temporary disabilities but require employers to provide reasonable accommodations for pregnancy and childbirth related limitations.¹²

During the current 2026 legislative session, Maryland House Bill 536 seeks to expand protections by clarifying that **related medical conditions, in addition to pregnancy and childbirth, must also be treated as temporary disabilities** under Maryland's employment discrimination laws. Specifically, the bill defines related medical conditions to include lactation or the need to express breast milk for nursing children and the need to manage vasomotor symptoms related to menopause. Maryland does not require employers to offer short-term disability insurance within employee benefits packages.¹³ However, by including related medical conditions as a temporary disability, employees would be eligible for disability insurance or sick leave plans available to employees with similar temporary disabilities, if offered by the employer.

In 2025, Rhode Island became the first state to mandate workplace accommodations for menopausal symptoms when Governor Daniel McKee signed House Bill 6161.¹⁴ The Rhode

⁷ U.S. Equal Employment Opportunity Commission, *Pregnant Workers Fairness Act*, EEOC <https://www.eeoc.gov/statutes/pregnant-workers-fairness-act> (last visited Feb. 7, 2026).

⁸ U.S. Equal Employment Opportunity Commission, *Pregnant Workers Fairness Act*, EEOC <https://www.eeoc.gov/statutes/pregnant-workers-fairness-act> (last visited Feb. 7, 2026).

⁹ Md. Code Ann., State Gov't § 20-609 (West 2013). Fiscal and Policy Note, H.B. 804, 2013 Leg., Reg. Sess. (Md. 2013), https://mgaleg.maryland.gov/2013RS/fnotes/bil_0004/hb0804.pdf (last visited Feb. 8, 2026).

¹⁰ *Id.*

¹¹ State Survey of Laws Protecting Pregnancy Employees, *Pregnant@work*, <https://pregnantatwork.org/wp-content/uploads/State-Pregnancy-Accommodation-Chart.pdf> (last visited Feb. 8, 2026).

¹² *Id.*

¹³ Steinhardt, Siskind, and Lieberman, LLC, *3 Facts to Help You Understand Short-Term Disability Benefits in Maryland*, Law Offices of Steinhardt, Siskind, and Lieberman, (Mar. 9, 2021), <https://www.steinhardtllawfirm.com/3-facts-to-help-you-understand-short-term-disability-benefits-in-maryland/>

¹⁴ Rhode Island First State to Enact Workplace Protection for Women Experiencing Menopause, State of Rhode Island General Assembly, PRESS RELEASE, (July 1, 2025), https://rilegislature.gov/pressrelease/_layouts/15/ril.pressrelease.inputform/DisplayForm.aspx?List=c8baae31-3c10-431c-8dcd-9dbbe21ce3e9&ID=375783.

Island law has amended the state’s definition of related conditions to include menopause, the need to manage effects of vasomotor symptoms (commonly referred to as hot flashes and night sweats).¹⁵ Similarly, if Maryland were to include menopause under related medical conditions in Maryland’s employment discrimination framework, the state would recognize the longstanding gap in workplace protections for mid-career and older workers, particularly women. As with pregnancy and childbirth, menopausal symptoms can be temporary but significantly impact an employee’s ability to work, and recognizing them as temporary disabilities promotes equity, reduces workforce turnover, and helps retain skilled and experienced employees.

Conclusion

House Bill 536 affords Maryland employees who are managing health conditions due to pregnancy, childbirth, or related medical conditions, the same accommodation and benefits provided for similar temporary disabilities. By recognizing related medical conditions—including the need to express breast milk for a nursing child and the need to manage vasomotor symptoms related to menopause—as temporary disabilities, Maryland would promote equity, improve workforce retention, and provide clarity for both employers and employees. For these reasons, we request a favorable report on House Bill 536.

This testimony is submitted on behalf of the Public Health Law Clinic at the University of Maryland Carey School of Law and not by the School of Law, the University of Maryland, Baltimore, or the University of Maryland System.

¹⁵ *Id.*