

HOUSE BILL 1397

D5

EMERGENCY BILL
ENROLLED BILL

(4lr2780)

— *Economic Matters/Judicial Proceedings and Finance* —

Introduced by **Delegates Simmons, Cardin, Fair, Pasteur, Phillips, and Vogel**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Human Relations – Discrimination – Protected Characteristics~~
3 *Civil Rights – Discrimination Based on Protected Characteristics and*
4 *Reproductive Freedom*

5 FOR the purpose of altering certain provisions of law prohibiting discrimination based on
6 certain protected characteristics to include prohibitions on discrimination based on
7 sexual orientation, gender identity, race, religious beliefs, marital status, and
8 disability; *withdrawing and repealing Chapter 244 of the Acts of the General*
9 *Assembly of 2023*; and generally relating to prohibitions against discrimination
10 based on protected characteristics *and reproductive freedom*.

11 BY repealing and reenacting, with amendments,

12 Article – Commercial Law

13 Section 11–102(e), 12–113(a), 12–305(a), 12–503(b)(1), 12–603, 12–702, and
14 12–704(1)

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.

Italics indicate opposite chamber/conference committee amendments.



- 1 Annotated Code of Maryland
2 (2013 Replacement Volume and 2023 Supplement)
- 3 BY repealing and reenacting, with amendments,
4 Article – Courts and Judicial Proceedings
5 Section 5–106(p) and 8–102(b)
6 Annotated Code of Maryland
7 (2020 Replacement Volume and 2023 Supplement)
- 8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 2–207(c), 3–209(b), 10–304, and 10–305
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2023 Supplement)
- 13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 6–104(b), 7–128(c), 23–605(a)(2), and 23–806(a)(3)(iii)
16 Annotated Code of Maryland
17 (2022 Replacement Volume and 2023 Supplement)
- 18 BY repealing and reenacting, with amendments,
19 Article – Health – General
20 Section 19–408(b), 19–710(h), and 19–725(a)
21 Annotated Code of Maryland
22 (2023 Replacement Volume)
- 23 BY repealing and reenacting, with amendments,
24 Article – Health Occupations
25 Section 14–5F–10(c) and 19–311(15)
26 Annotated Code of Maryland
27 (2021 Replacement Volume and 2023 Supplement)
- 28 BY repealing and reenacting, with amendments,
29 Article – Housing and Community Development
30 Section 16–305
31 Annotated Code of Maryland
32 (2019 Replacement Volume and 2023 Supplement)
- 33 BY repealing and reenacting, with amendments,
34 Article – Human Services
35 Section 8–707(b)(1)(viii)
36 Annotated Code of Maryland
37 (2019 Replacement Volume and 2023 Supplement)
- 38 BY repealing and reenacting, with amendments,
39 Article – Insurance

1 Section 15–112(h)(1) and 27–910(b)
2 Annotated Code of Maryland
3 (2017 Replacement Volume and 2023 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Labor and Employment
6 Section 3–304 and 3–307(a)(1)
7 Annotated Code of Maryland
8 (2016 Replacement Volume and 2023 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – Land Use
11 Section 16–204 and 16–304(b)
12 Annotated Code of Maryland
13 (2012 Volume and 2023 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Public Utilities
16 Section 7–507(h)(1) and 18–204
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2023 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Real Property
21 Section 8A–801(b)
22 Annotated Code of Maryland
23 (2023 Replacement Volume)

24 BY repealing and reenacting, with amendments,
25 Article – State Finance and Procurement
26 Section 13–219(c)(1), 19–101(a), 19–102, 19–103(j)(1), 19–114, and 19–115
27 Annotated Code of Maryland
28 (2021 Replacement Volume and 2023 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article – Tax – Property
31 Section 8–214(a)
32 Annotated Code of Maryland
33 (2019 Replacement Volume and 2023 Supplement)

34 BY withdrawing, recalling, and repealing
35 Chapter 244 of the Acts of the General Assembly of 2023

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

38 **Article – Commercial Law**

1 11-102.

2 (e) "Discriminatory boycott" means the entering into or carrying out of any
3 provision, express or implied, of any agreement, understanding or contractual arrangement
4 for economic benefit between any person and any foreign government, foreign person, or
5 international organization, which is not specifically authorized by the law of the United
6 States and which is required or imposed, either directly or indirectly, overtly or covertly,
7 by the foreign government, foreign person, or international organization in order to restrict,
8 condition, prohibit, or interfere with any business relationship on the basis of a domestic
9 individual's race, color, creed, religion, sex, **SEXUAL ORIENTATION, DISABILITY, GENDER**
10 **IDENTITY**, or national origin. Except, that entering into an agreement, understanding or
11 contractual arrangement with respect to the handling or shipping of goods while in
12 international and not intrastate transit or executing and delivering any other document
13 with respect to the handling or shipping of goods while in international and not intrastate
14 transit or carrying out or complying with any provision with respect to the choice of carrier
15 in international and not intrastate transit or the international routing of goods while in
16 international and not intrastate transit contained in any such agreement, understanding,
17 contractual arrangement or other document may not constitute a discriminatory boycott
18 within the meaning of this subtitle.

19 12-113.

20 (a) Except as provided in subsection (b) of this section, a lender may not refuse to
21 lend money to any person solely because of:

22 (1) Geographic area or neighborhood; or

23 (2) Race, creed, color, age, sex, **SEXUAL ORIENTATION, GENDER**
24 **IDENTITY, DISABILITY**, marital status, handicap, or national origin.

25 12-305.

26 (a) In granting or denying an application for a loan, a licensee may not
27 discriminate against any loan applicant only on the basis of race, color, creed, national
28 origin, sex, **SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY**, marital status, or
29 age.

30 12-503.

31 (b) (1) A seller or financial institution may not discriminate solely on the basis
32 of **RACE**, sex, **SEXUAL ORIENTATION, GENDER IDENTITY, RELIGIOUS BELIEFS,**
33 **DISABILITY**, marital status, geographic area of residence, neighborhood of residence, or
34 age against a buyer who wishes to establish an account. Refusal to establish an account for
35 a buyer who is under the age of 18 is not discrimination solely on the basis of age.

1 12-603.

2 A seller or sales finance company may not discriminate against a buyer solely on the
3 basis of the **RACE**, sex, **SEXUAL ORIENTATION**, **GENDER IDENTITY**, **RELIGIOUS**
4 **BELIEFS**, **DISABILITY**, marital status, geographic area of residence, neighborhood of
5 residence, or age of the buyer. Refusal to grant credit to a buyer who is under the age of 18
6 is not discrimination solely on the basis of age.

7 12-702.

8 (a) The General Assembly finds that there is a need to insure that the various
9 financial institutions and other persons and firms engaged in the extension of credit
10 exercise their responsibility to make credit available with fairness, impartiality, and
11 without discrimination on the basis of sex or marital status. Economic stabilization would
12 be enhanced, and competition among the various financial institutions and other persons
13 and firms engaged in the extension of credit would be strengthened by an absence of
14 discrimination on the basis of sex, **SEXUAL ORIENTATION**, **GENDER IDENTITY**,
15 **DISABILITY**, marital status, race, color, religion, national origin, or age (provided the
16 applicant has capacity to contract).

17 (b) It is the purpose of this subtitle to require that financial institutions and other
18 persons and firms engaged in the extension of credit do not deny credit on the basis of sex,
19 **SEXUAL ORIENTATION**, **GENDER IDENTITY**, **DISABILITY**, marital status, race, color,
20 religion, national origin, or age (provided the applicant has capacity to contract).

21 12-704.

22 With respect to any aspect of a credit transaction:

23 (1) A creditor may not discriminate against any applicant on the basis of
24 sex, **SEXUAL ORIENTATION**, **GENDER IDENTITY**, **DISABILITY**, marital status, race, color,
25 religion, national origin, or age;

26 Article – Courts and Judicial Proceedings

27 5-106.

28 (p) A prosecution for an offense of discrimination on the basis of sex, **SEXUAL**
29 **ORIENTATION**, **RELIGIOUS BELIEFS**, **GENDER IDENTITY**, **RACE**, **OR DISABILITY** in
30 paying wages under §§ 3-301 through 3-308 of the Labor and Employment Article shall be
31 instituted within 3 years after the performance of the act on which the prosecution is based.

32 8-102.

1 (b) A citizen may not be excluded from jury service due to color, disability,
2 economic status, national origin, race, religion, [or] sex, **SEXUAL ORIENTATION, OR**
3 **GENDER IDENTITY**.

4 **Article – Criminal Law**

5 2–207.

6 (c) The discovery or perception of, or belief about, another person’s race, color,
7 national origin, sex, gender identity, [or] sexual orientation, **RELIGIOUS BELIEFS, OR**
8 **DISABILITY**, whether or not accurate, does not constitute legally adequate provocation to
9 mitigate a killing from the crime of murder to manslaughter.

10 3–209.

11 (b) The discovery or perception of, or belief about, another person’s race, color,
12 national origin, sex, gender identity, [or] sexual orientation, **RELIGIOUS BELIEFS, OR**
13 **DISABILITY**, whether or not accurate, is not a defense to the crime of assault in any degree.

14 10–304.

15 Motivated either in whole or in substantial part by another person’s or group’s race,
16 color, religious beliefs, sexual orientation, [gender] **SEX**, gender identity, disability, or
17 national origin, or because another person or group is homeless, a person may not:

18 (1) (i) commit a crime or attempt or threaten to commit a crime against
19 that person or group;

20 (ii) deface, damage, or destroy, or attempt or threaten to deface,
21 damage, or destroy the real or personal property of that person or group;

22 (iii) burn or attempt or threaten to burn an object on the real or
23 personal property of that person or group; or

24 (iv) make or cause to be made a false statement, report, or complaint
25 that the person knows to be false as a whole or in material part, to a law enforcement officer
26 of the State, of a county, municipal corporation, or other political subdivision of the State,
27 or of the Maryland–National Capital Park and Planning Police, about that person or group,
28 with the intent to deceive and to cause an investigation or other action to be taken as a
29 result of the statement, report, or complaint, in violation of § 9–501 of this article; or

30 (2) commit a violation of item (1) of this section that:

31 (i) except as provided in item (ii) of this item, involves a separate
32 crime that is a felony; or

1 (ii) results in the death of a victim.

2 10–305.

3 A person may not deface, damage, or destroy, attempt or threaten to deface, damage,
4 or destroy, burn or attempt or threaten to burn an object on, or damage the real or personal
5 property connected to a building that is publicly or privately owned, leased, or used,
6 including a cemetery, library, meeting hall, recreation center, or school:

7 (1) because a person or group of a particular race, color, religious belief,
8 sexual orientation, [gender] SEX, gender identity, disability, or national origin, or because
9 a person or group that is homeless, has contacts or is associated with the building; or

10 (2) if there is evidence that exhibits animosity against a person or group,
11 because of the race, color, religious beliefs, sexual orientation, [gender] SEX, gender
12 identity, disability, or national origin of that person or group or because that person or
13 group is homeless.

14 Article – Education

15 6–104.

16 (b) The State Superintendent, a county board, a county superintendent, or an
17 assistant to any one of these may not make any distinction or discriminate in favor of or
18 against any public school employee of this State because of race, religion, color, ancestry or
19 national origin, sex, age, marital status, sexual orientation, **GENDER IDENTITY**, or
20 disability unrelated in nature and extent so as to reasonably preclude the performance of
21 the employment except, as to sex, if the employment of a certain sex is reasonably necessary
22 because of the nature of the employment.

23 7–128.

24 (c) Each middle and high school shall seek to enroll each student in the next most
25 rigorous subject matter course in accordance with subsection (b) of this section without
26 regard to the student's race, ethnicity, [gender] SEX, **SEXUAL ORIENTATION**, **GENDER**
27 **IDENTITY**, **RELIGIOUS BELIEFS**, address, disability status, socioeconomic status, or the
28 language spoken in the student's home.

29 23–605.

30 (a) (2) An employee organization that submits a petition to the Director under
31 paragraph (1) of this subsection may not discriminate with regard to terms or conditions of
32 membership because of [gender] SEX, **DISABILITY**, **MARITAL STATUS**, color, creed, race,
33 national origin, religion, sexual [preference] **ORIENTATION**, gender identity, or political
34 affiliation.

1 23–806.

2 (a) (3) The petition shall contain:

3 (iii) A statement that the employee organization has no terms or
4 conditions of membership that discriminate with regard to race, color, creed, [gender] **SEX**,
5 **SEXUAL ORIENTATION, GENDER IDENTITY**, age, political affiliation, national origin,
6 religion, marital status, or disability; and

7 **Article – Health – General**

8 19–408.

9 (b) A home health agency may not withhold any home health care services from
10 an individual because of the individual's age, sex, **SEXUAL ORIENTATION, GENDER**
11 **IDENTITY, DISABILITY, RACE**, color, creed, national origin, source of payment, or ability
12 to pay.

13 19–710.

14 (h) **(1)** The procedures for offering health care services and offering and
15 terminating contracts to subscribers may not discriminate unfairly on the basis of age, sex,
16 **SEXUAL ORIENTATION, GENDER IDENTITY, RELIGIOUS BELIEFS, DISABILITY**, race,
17 health, or economic status. [This]

18 **(2) THE** requirement **UNDER PARAGRAPH (1) OF THIS SUBSECTION**
19 does not prohibit:

20 [(1)] **(I)** Reasonable underwriting classifications for establishing contract
21 rates; or

22 [(2)] **(II)** Experience rating.

23 19–725.

24 (a) A health maintenance organization may not cancel the enrollment of a
25 member or refuse to transfer a member from a group to an individual basis because of age,
26 sex, **SEXUAL ORIENTATION, GENDER IDENTITY, RELIGIOUS BELIEFS, DISABILITY**,
27 race, or health status.

28 **Article – Health Occupations**

29 14–5F–10.

1 (c) The Board may not discriminate, in any manner, against any applicant or
2 licensee for reason of sex, age, race, color, creed, sexual orientation, gender identity,
3 **DISABILITY**, or national origin.

4 19–311.

5 Subject to the hearing provisions of § 19–312 of this subtitle, the Board may deny a
6 license to any applicant, fine a licensee, reprimand any licensee, place any licensee on
7 probation, or suspend or revoke a license if the applicant or licensee:

8 (15) Refuses, withholds from, denies, or discriminates against an individual
9 with regard to the provision of professional services on the basis of race, age, [gender] **SEX**,
10 sexual orientation, **GENDER IDENTITY**, disability, religion, ethnic origin, or HIV status;

11 **Article – Housing and Community Development**

12 16–305.

13 (a) An employee organization that is certified or that seeks certification as an
14 exclusive representative shall submit to the labor relations administrator a copy of the
15 employee organization’s constitution and bylaws and any amendment to them.

16 (b) The constitution or bylaws shall include:

17 (1) a pledge that the employee organization accepts members without
18 regard to age, marital status, national origin, race, religion, disabilities, **SEX**, sexual
19 orientation, or gender **IDENTITY**;

20 (2) the right of members to participate in the affairs of the employee
21 organization;

22 (3) procedures for periodic elections of officers by secret ballot;

23 (4) fair procedures governing disciplinary actions;

24 (5) procedures for the accurate accounting of all income and expenditures;

25 (6) a requirement that a certified annual financial report be produced; and

26 (7) the right of members to inspect the employee organization’s accounts.

27 **Article – Human Services**

28 8–707.

1 (b) A contract awarded or renewed between an agency and a provider shall
2 require the provider to:

3 (1) post conspicuously a “Residents’ Bill of Rights” in the facility of the
4 provider stating that a resident has a right:

5 (viii) not to be discriminated against on the basis of race, color,
6 religion, national origin, sex, age, marital status, personal appearance, sexual orientation,
7 **GENDER IDENTITY**, familial status, family responsibilities, matriculation, political
8 affiliation, disability, source of income, or place of residence or business; and

9 Article – Insurance

10 15–112.

11 (h) A carrier may not deny an application for participation or terminate
12 participation on its provider panel on the basis of:

13 (1) **[gender] SEX, SEXUAL ORIENTATION, GENDER IDENTITY**, race, age,
14 religion, national origin, or a protected category under the federal Americans with
15 Disabilities Act;

16 27–910.

17 (b) A health network may not deny health care services to an enrollee on the basis
18 of **[gender] SEX, SEXUAL ORIENTATION, GENDER IDENTITY**, race, age, religion, national
19 origin, or a protected category under the Americans with Disabilities Act.

20 Article – Labor and Employment

21 3–304.

22 (a) In this section, “providing less favorable employment opportunities” means:

23 (1) assigning or directing the employee into a less favorable career track, if
24 career tracks are offered, or position;

25 (2) failing to provide information about promotions or advancement in the
26 full range of career tracks offered by the employer; or

27 (3) limiting or depriving an employee of employment opportunities that
28 would otherwise be available to the employee but for the employee’s sex or gender identity.

29 (b) (1) An employer may not discriminate between employees in any
30 occupation by:

1 (i) paying a wage to employees [of one sex or gender identity] at a
2 rate less than the rate paid to **OTHER** employees [of another sex or gender identity] if
3 [both] **THE** employees work in the same establishment and perform work of comparable
4 character or work on the same operation, in the same business, or of the same type **AND**
5 **THE PAY DIFFERENCE IS BASED ON THE RACE, RELIGIOUS BELIEFS, SEX, GENDER**
6 **IDENTITY, OR SEXUAL ORIENTATION OF THE EMPLOYEES;** or

7 (ii) providing less favorable employment opportunities based on sex,
8 **RACE, RELIGIOUS BELIEFS, SEXUAL ORIENTATION, DISABILITY,** or gender identity.

9 (2) For purposes of paragraph (1)(i) of this subsection, an employee shall
10 be deemed to work at the same establishment as another employee if the employees work
11 for the same employer at workplaces located in the same county of the State.

12 (c) Except as provided in subsection (d) of this section, subsection (b) of this
13 section does not prohibit a variation in a wage that is based on:

14 (1) a seniority system that does not discriminate on the basis of sex or
15 gender identity;

16 (2) a merit increase system that does not discriminate on the basis of sex
17 or gender identity;

18 (3) jobs that require different abilities or skills;

19 (4) jobs that require the regular performance of different duties or services;

20 (5) work that is performed on different shifts or at different times of day;

21 (6) a system that measures performance based on a quality or quantity of
22 production; or

23 (7) a bona fide factor other than sex or gender identity, including education,
24 training, or experience, in which the factor:

25 (i) is not based on or derived from a gender-based differential in
26 compensation;

27 (ii) is job related with respect to the position and consistent with a
28 business necessity; and

29 (iii) accounts for the entire differential.

30 (d) This section does not preclude an employee from demonstrating that an
31 employer's reliance on an exception listed in subsection (c) of this section is a pretext for

1 discrimination on the basis of sex [or], **SEXUAL ORIENTATION**, gender identity,
 2 **RELIGIOUS BELIEFS**, RACE, OR DISABILITY.

3 (e) An employer who is paying a wage in violation of this subtitle may not reduce
 4 another wage to comply with this subtitle.

5 3–307.

6 (a) (1) If an employer knew or reasonably should have known that the
 7 employer’s action violates § 3–304 of this subtitle, an affected employee may bring an action
 8 against the employer for injunctive relief and to recover the difference between the wages
 9 paid to employees of one sex [or], **SEXUAL ORIENTATION**, gender identity, **RELIGIOUS**
 10 **BELIEFS**, OR RACE, OR WHO HAVE A DISABILITY and the wages paid to employees of
 11 another sex [or], **SEXUAL ORIENTATION**, gender identity, **RELIGIOUS BELIEFS**, OR
 12 **RACE, OR WHO DO NOT HAVE A DISABILITY** who do the same type work and an additional
 13 equal amount as liquidated damages.

14 Article – Land Use

15 16–204.

16 (a) An employee organization that is certified or that seeks certification as an
 17 exclusive representative under this subtitle shall submit to the labor relations
 18 administrator:

19 (1) a copy of the employee organization’s constitution and bylaws; and

20 (2) any change in the constitution or bylaws.

21 (b) The constitution or bylaws shall include:

22 (1) a pledge that the employee organization accepts members without
 23 regard to age, marital status, national origin, race, religion, disability, **SEX**, sexual
 24 orientation, or gender **IDENTITY**;

25 (2) the right of members to participate in the affairs of the employee
 26 organization;

27 (3) procedures for periodic elections of officers by secret ballot;

28 (4) fair procedures governing disciplinary actions;

29 (5) procedures for the accurate accounting of income and expenditures;

30 (6) a requirement that a certified annual financial report be produced; and

1 (7) the right of members to inspect the organization's accounts.

2 16-304.

3 (b) The constitution or bylaws shall include:

4 (1) a pledge that the employee organization accepts members without
5 regard to age, race, [gender] **SEX, SEXUAL ORIENTATION, GENDER IDENTITY**, religion,
6 marital status, or national origin;

7 (2) the right of members to participate in the affairs of the employee
8 organization;

9 (3) procedures for periodic elections of officers by secret ballot;

10 (4) fair procedures governing disciplinary actions;

11 (5) procedures for the accurate accounting of income and expenditures;

12 (6) a requirement that an annual financial report be produced; and

13 (7) the right of members to inspect the employee organization's accounts.

14 **Article – Public Utilities**

15 7-507.

16 (h) (1) An electricity supplier may not discriminate against any customer
17 based wholly or partly on race, color, creed, national origin, **GENDER IDENTITY,**
18 **DISABILITY, SEXUAL ORIENTATION,** or sex of an applicant for service or for any arbitrary,
19 capricious, or unfairly discriminatory reason.

20 18-204.

21 (a) An employee organization that is certified or that seeks certification as an
22 exclusive representative under this subtitle shall submit to the labor relations
23 administrator:

24 (1) a copy of the employee organization's constitution and bylaws; and

25 (2) any subsequent change in the employee organization's constitution or
26 bylaws.

27 (b) The constitution or bylaws shall include:

1 (1) a pledge that the employee organization accept members without
2 regard to age, marital status, national origin, race, religion, disability, sexual orientation,
3 **SEX**, or gender **IDENTITY**;

4 (2) the right of members to participate in the affairs of the employee
5 organization;

6 (3) procedures for periodic elections for officers by secret ballot;

7 (4) fair procedures governing disciplinary actions;

8 (5) procedures for the accurate accounting of all income and expenditures;

9 (6) a requirement that an independent annual financial report be
10 produced; and

11 (7) the right of members to inspect the organization's accounts.

12 Article – Real Property

13 8A–801.

14 (b) A park owner or operator of a mobile home park, or his agent or employee,
15 may not refuse, withhold from, or deny to any person any of the accommodations,
16 advantages, facilities, or privileges of the mobile home park or leases to the premises
17 because of race, creed, color, sex, **SEXUAL ORIENTATION**, **GENDER IDENTITY**, or national
18 origin of that person.

19 Article – State Finance and Procurement

20 13–219.

21 (c) The nondiscrimination clause shall:

22 (1) prohibit discrimination in any manner by the contractor against an
23 employee or applicant for employment because of sex, **SEXUAL ORIENTATION**, **GENDER**
24 **IDENTITY**, **DISABILITY**, race, age, color, creed, or national origin;

25 19–101.

26 (a) It is the policy of the State not to enter into a contract with any business entity
27 that has discriminated in the solicitation, selection, hiring, or commercial treatment of
28 vendors, suppliers, subcontractors, or commercial customers on the basis of race, color,
29 religion, ancestry or national origin, sex, age, marital status, sexual orientation, **GENDER**
30 **IDENTITY**, or on the basis of disability or any otherwise unlawful use of characteristics
31 regarding the vendor's, supplier's, or commercial customer's employees or owners.

1 19-102.

2 It is the intent of the State to avoid becoming a passive participant in private sector
3 commercial discrimination by refusing to procure goods and services from business entities
4 that discriminate in the solicitation, selection, hiring, or commercial treatment of vendors,
5 suppliers, subcontractors, or commercial customers on the basis of race, color, religion,
6 ancestry or national origin, sex, age, marital status, **GENDER IDENTITY**, sexual
7 orientation, or on the basis of disability or other unlawful forms of discrimination by
8 providing a procedure for receiving, investigating, and resolving complaints of
9 discrimination filed against business entities that:

10 (1) have submitted a bid or proposal; or

11 (2) have been selected to engage in, or are engaged in, providing goods or
12 services to the State.

13 19-103.

14 (j) (1) "Discrimination" means any disadvantage, difference, distinction, or
15 preference in the solicitation, selection, hiring, or commercial treatment of a vendor,
16 supplier, subcontractor, or commercial customer on the basis of race, color, religion,
17 ancestry or national origin, sex, age, marital status, sexual orientation, **GENDER**
18 **IDENTITY**, or on the basis of disability or any otherwise unlawful use of characteristics
19 regarding the vendor's, supplier's, or commercial customer's employees or owners.

20 19-114.

21 Every contract and subcontract shall contain a nondiscrimination clause that reads
22 as follows:

23 "As a condition of entering into this agreement, the company represents and
24 warrants that it will comply with the State's Commercial Nondiscrimination Policy, as
25 described under Title 19 of the State Finance and Procurement Article of the Annotated
26 Code of Maryland. As part of such compliance, the company may not discriminate on the
27 basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual
28 orientation, **GENDER IDENTITY**, or on the basis of disability or other unlawful forms of
29 discrimination in the solicitation, selection, hiring, or commercial treatment of
30 subcontractors, vendors, suppliers, or commercial customers, nor shall the company
31 retaliate against any person for reporting instances of such discrimination. The company
32 shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in
33 all of its public sector and private sector subcontracting and supply opportunities, provided
34 that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to
35 remedy the effects of marketplace discrimination that have occurred or are occurring in the
36 marketplace. The company understands and agrees that a material violation of this clause
37 shall be considered a material breach of this agreement and may result in termination of

1 this agreement, disqualification of the company from participating in State contracts, or
2 other sanctions. This clause is not enforceable by or for the benefit of, and creates no
3 obligation to, any third party.”.

4 19–115.

5 All requests for bids or proposals issued for State contracts shall include the
6 following certification to be completed by the bidder:

7 “The undersigned bidder hereby certifies and agrees that the following information
8 is correct:

9 In preparing its bid on this project, the bidder has considered all proposals submitted
10 from qualified, potential subcontractors and suppliers, and has not engaged in
11 “discrimination” as defined in § 19–103 of the State Finance and Procurement Article of the
12 Annotated Code of Maryland; to wit: discrimination in the solicitation, selection, or
13 commercial treatment of any subcontractor, vendor, supplier, or commercial customer on
14 the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual
15 orientation, **GENDER IDENTITY**, or on the basis of disability or other unlawful forms of
16 discrimination. Without limiting the foregoing, “discrimination” also includes retaliating
17 against any person or other entity for reporting any incident of “discrimination”. Without
18 limiting any other provision of the solicitation for bids on this project, it is understood and
19 agreed that, if this certification is false, such false certification will constitute grounds for
20 the State to reject the bid submitted by the bidder on this project, and terminate any
21 contract awarded based on the bid. As part of its bid or proposal, the bidder shall provide
22 to the State a list of all instances within the immediate past 4 years where there has been
23 a final adjudicated determination in a legal or administrative proceeding in the State of
24 Maryland that the bidder discriminated against its subcontractors, vendors, suppliers, or
25 commercial customers, and a description of the status or resolution of that complaint,
26 including any remedial action taken. As a condition of submitting a bid or proposal to the
27 State, the bidder agrees to comply with the State’s Commercial Nondiscrimination Policy
28 as described under Title 19 of the State Finance and Procurement Article of the Annotated
29 Code of Maryland.”.

30 **Article – Tax – Property**

31 8–214.

32 (a) If a country club or golf course that meets the qualifications of § 8–212 of this
33 subtitle allows or practices discrimination based on race, color, creed, sex, **SEXUAL**
34 **ORIENTATION, GENDER IDENTITY, DISABILITY**, or national origin in granting
35 membership or guest privileges, the country club or golf course may not make or continue
36 an agreement under this subtitle.

1 SECTION 2. AND BE IT FURTHER ENACTED, That Chapter 244 of the Acts of the
2 General Assembly of 2023 be and it is hereby withdrawn and recalled for appropriate
3 legislative action.

4 SECTION 3. AND BE IT FURTHER ENACTED, That Chapter 244 of the Acts of the
5 General Assembly of 2023 be and it is hereby repealed.

6 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
7 take effect October 1, 2024.

8 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section
9 4 of this Act, this Act is an emergency measure, is necessary for the immediate preservation
10 of the public health or safety, has been passed by a yea and nay vote supported by
11 three-fifths of all the members elected to each of the two Houses of the General Assembly,
12 and shall take effect from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.