

Chapter 561

**(House Bill 355)**

AN ACT concerning

**Washington Suburban Sanitary Commission – Discrimination – Prohibited**

**MC/PG 102–17**

FOR the purpose of prohibiting the Washington Suburban Sanitary Commission from discriminating against a person on the basis of religion, marital status, or gender identity; altering a nondiscrimination clause required in all contracts entered into by the Commission to require the contractor not to discriminate in any manner against an employee or applicant for employment on the basis of religion, marital status, or gender identity and require the contractor to include a similar nondiscrimination clause in all subcontracts; and generally relating to the prohibition against discrimination based on religion, marital status, or gender identity by the Washington Suburban Sanitary Commission and nondiscrimination clauses in contracts entered into by the Commission.

BY repealing and reenacting, with amendments,  
Article – Public Utilities  
Section 17–402 and 20–106  
Annotated Code of Maryland  
(2010 Replacement Volume and 2016 Supplement)

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

**Article – Public Utilities**

17–402.

The Commission may not discriminate against a person on the basis of sex, race, creed, color, age, mental or physical disability, sexual orientation, **RELIGION, MARITAL STATUS, GENDER IDENTITY**, or national origin.

20–106.

(a) (1) The Commission may not award a contract unless the contract contains provisions obligating the contractor:

(i) not to discriminate in any manner against an employee or an applicant for employment on the basis of sex, race, creed, color, age, mental or physical

disability, sexual orientation, **RELIGION, MARITAL STATUS, GENDER IDENTITY**, or national origin; and

(ii) to include a similar nondiscrimination clause in all subcontracts.

(2) (i) If the nondiscrimination clause is omitted from a contract or subcontract, the Commission shall provide the contractor a reasonable opportunity to cure the defect, subject to this section.

(ii) If the contractor fails to cure the defect:

1. the Commission may declare the contract to be void; and

2. the contractor is entitled to the reasonable value of work performed and materials provided by the contractor.

(iii) If the contractor cures the defect, the contract remains in force according to its revised terms.

(b) (1) In accordance with this section, the Commission may compel a contractor to continue to perform under a contract if:

(i) the contractor willfully fails to comply with the requirements of a nondiscrimination clause; and

(ii) the contract is partially executory.

(2) If the Commission compels performance under this subsection, the Commission:

(i) is liable for no more than the reasonable value of work performed and materials provided by the contractor after the date on which the breach of contract was or should have been discovered; and

(ii) shall deduct any money that has been paid under the contract from the money that comes due under item (i) of this paragraph.

(c) (1) If a subcontractor willfully fails to comply with the requirements of a nondiscrimination clause, the contractor may declare the subcontract to be void.

(2) If a contractor declares a subcontract to be void under this subsection, the contractor is liable for no more than the reasonable value of work performed or materials provided by the subcontractor.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

**Approved by the Governor, May 4, 2017.**