

HB0317/873220/1

BY: Delegate M. Fisher

AMENDMENTS TO HOUSE BILL 317
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in its entirety line 2 and substitute “Human Relations – Discrimination Against Political Affiliation and Civil Penalties”; in line 3, after “of” insert “providing that certain provisions of law prohibiting discrimination include discrimination against a person’s political affiliation or a person’s expression of political affiliation;”; in line 10, after “to” insert “discrimination against a person’s political affiliation,”; in the same line, after “Rights” insert a comma; strike in their entirety lines 11 through 15, inclusive; and in line 18, after “Section” insert “20–304, 20–402, 20–501, 20–603, 20–606, 20–705, and”.

AMENDMENT NO. 2

On page 2, in lines 4 and 11, in each instance, strike “or”; in the same lines, in each instance, after “disability” insert “, POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION”; and after line 11, insert:

“20–501.

An owner or operator of commercial property, an agent or employee of the owner or operator of commercial property, or a person that is licensed or regulated by the State may not discriminate against an individual in the terms, conditions, or privileges of the leasing of property for commercial use, or in the provision of services or facilities in connection with the leasing of property for commercial use, because of the individual’s race, color, religion, sex, age, disability, marital status, sexual orientation, gender identity, [or] national origin, POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION.

20–603.

(Over)

This subtitle does not require:

(1) an employer, employment agency, labor organization, or joint labor-management committee subject to this subtitle to grant preferential treatment to any individual or group on the basis of the race, color, religion, sex, age, national origin, gender identity, sexual orientation, [or] disability, **POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION** of the individual or group because an imbalance may exist with respect to the total number or percentage of individuals of any race, color, religion, sex, age, national origin, gender identity, [or] sexual orientation, **POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION** or individuals with disabilities employed by the employer, referred or classified for employment by the employment agency or labor organization, admitted to membership or classified by the labor organization, or admitted to, or employed in, any apprenticeship or other training program, compared to the total number or percentage of individuals of that race, color, religion, sex, age, national origin, gender identity, [or] sexual orientation, **POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION** or individuals with disabilities in the State or any community, section, or other area, or in the available work force in the State or any community, section, or other area; or

(2) an employer to reasonably accommodate an employee's religion or disability if the accommodation would cause undue hardship on the conduct of the employer's business.

20-606.

(a) An employer may not:

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

(i) the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, [or] disability, **POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION** unrelated in nature and extent so as to reasonably preclude the performance of the employment;
or

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

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

(i) the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, [or] disability, **POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION** unrelated in nature and extent so as to reasonably preclude the performance of the employment;
or

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

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

(4) fail or refuse to make a reasonable accommodation for the known disability of an otherwise qualified employee.

(b) An employment agency may not:

(1) fail or refuse to refer for employment or otherwise discriminate against any individual because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, **POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION** unrelated in nature and extent so as to reasonably preclude the performance of the employment; or

(2) classify or refer for employment any individual on the basis of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, **POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION** unrelated in nature and extent so as to reasonably preclude the performance of the employment.

(c) A labor organization may not:

(1) exclude or expel from its membership, or otherwise discriminate against, any individual because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, **POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION** unrelated in nature and extent so as to reasonably preclude the performance of the employment;

(2) limit, segregate, or classify its membership, or classify or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive the individual of employment opportunities, limit the individual's employment opportunities, or otherwise adversely affect the individual's status as an employee or as an applicant for employment because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, **POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION** unrelated

in nature and extent so as to reasonably preclude the performance of the employment;
or

(3) cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) An employer, labor organization, or joint labor–management committee controlling apprenticeship or other training or retraining programs, including on–the–job training programs, may not discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining because of the individual’s race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, **POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION** unrelated in nature and extent so as to reasonably preclude the performance of the employment.

(e) (1) Except as provided in paragraph (2) of this subsection, an employer, labor organization, or employment agency may not print or cause to be printed or published any notice or advertisement relating to employment by the employer, membership in or any classification or referral for employment by the labor organization, or any classification or referral for employment by the employment agency that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, [or] disability, **POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION**.

(2) A notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, age, national origin, marital status, or disability if religion, sex, age, national origin, marital status, [or] disability, **POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION** is a bona fide occupational qualification for employment.

(f) An employer may not discriminate or retaliate against any of its employees or applicants for employment, an employment agency may not discriminate against any individual, and a labor organization may not discriminate or retaliate against any member or applicant for membership because the individual has:

(1) opposed any practice prohibited by this subtitle; or

(2) made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subtitle.

20-705.

Except as provided in §§ 20-703 and 20-704 of this subtitle, a person may not:

(1) refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, **POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION;**

(2) discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, **POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION;**

(3) make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or]

national origin, POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION or an intention to make any preference, limitation, or discrimination;

(4) represent to any person, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION, that any dwelling is not available for inspection, sale, or rental when the dwelling is available; or

(5) for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, POLITICAL AFFILIATION, OR EXPRESSION OF POLITICAL AFFILIATION.”.