

HOUSE BILL 1560

L5

0lr0319

By: **Prince George's County Delegation and Montgomery County Delegation**

Introduced and read first time: February 7, 2020

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2020

CHAPTER _____

1 AN ACT concerning

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

3 **PG/MC 103–20**

4 FOR the purpose of prohibiting the Washington Suburban Sanitary Commission from
5 discriminating against a person on the basis of genetic information or ~~the presence~~
6 ~~of children~~ family responsibilities; requiring that a certain nondiscrimination
7 provision in contracts entered into by the Commission prohibit certain
8 discrimination based on genetic information; defining ~~a certain term~~ certain terms;
9 and generally relating to prohibiting discrimination by the Washington Suburban
10 Sanitary Commission and to nondiscrimination provisions in contracts entered into
11 by the Commission.

12 BY repealing and reenacting, without amendments,

13 Article – Insurance

14 Section 27–909(a)(1) and (3)

15 Annotated Code of Maryland

16 (2017 Replacement Volume and 2019 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Public Utilities

19 Section 16–101, 17–402, and 17–402.1

20 Annotated Code of Maryland

21 (2010 Replacement Volume and 2019 Supplement)

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.



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

3 **Article – Insurance**

4 27–909.

5 (a) (1) In this section the following words have the meanings indicated.

6 (3) (i) “Genetic information” means information:

7 1. about chromosomes, genes, gene products, or inherited
8 characteristics that may derive from an individual or a family member;

9 2. obtained for diagnostic and therapeutic purposes; and

10 3. obtained at a time when the individual to whom the
11 information relates is asymptomatic for the disease.

12 (ii) “Genetic information” does not include:

13 1. routine physical measurements;

14 2. chemical, blood, and urine analyses that are widely
15 accepted and in use in clinical practice;

16 3. tests for use of drugs; or

17 4. tests for the presence of the human immunodeficiency
18 virus.

19 **Article – Public Utilities**

20 16–101.

21 (a) In this division the following words have the meanings indicated.

22 (b) “Commission” means the Washington Suburban Sanitary Commission.

23 (c) “Commissioner” means a member of the Washington Suburban Sanitary
24 Commission.

25 (d) “County” means a county of the State or Baltimore City.

26 **(E) “FAMILY RESPONSIBILITIES” MEANS THE LEGAL RESPONSIBILITY FOR**
27 **THE CARE AND SUPPORT OF A DEPENDENT INDIVIDUAL.**

1 **(F) “GENETIC INFORMATION” HAS THE MEANING STATED IN § 27-909(A) OF**
 2 **THE INSURANCE ARTICLE.**

3 ~~(e)~~ **(G)** “Hookup” means a connection between the plumbing on the owner’s
 4 property and the Commission service connection.

5 ~~(f)~~ **(H)** “Municipality” means a municipal corporation that is organized under
 6 Article XI–E of the Maryland Constitution.

7 ~~(g)~~ **(I)** “Person” means an individual, receiver, trustee, guardian, personal
 8 representative, fiduciary, or representative of any kind and any partnership, firm,
 9 association, corporation, or other entity.

10 ~~(h)~~ **“PRESENCE OF CHILDREN” MEANS THE REGULAR PRESENCE OF AN**
 11 **INDIVIDUAL UNDER THE AGE OF 18 YEARS IN A PROPERTY SERVED OR TO BE SERVED**
 12 **BY THE COMMISSION.**

13 ~~(i)~~ **(J)** “Public roadway” means any State, county, or municipal street, road, alley,
 14 or highway.

15 **[(i)]** ~~(j)~~ **(K)** (1) “Sanitary district” means the Washington Suburban Sanitary
 16 District, as described in Chapter 805 of the Acts of the General Assembly of 1981.

17 (2) “Sanitary district” does not include any special exemption provided for
 18 by law.

19 **[(j)]** ~~(k)~~ **(L)** “Service connection” means a lateral service line that is constructed
 20 by the Commission from a Commission water or sewer main to a property line.

21 **[(k)]** ~~(l)~~ **(M)** (1) Except as provided in paragraph (2) of this subsection, “state”
 22 means:

23 (i) a state, possession, territory, or commonwealth of the United
 24 States; or

25 (ii) the District of Columbia.

26 (2) When capitalized, “State” means Maryland.

27 17-402.

28 The Commission may not discriminate against a person on the basis of sex, race,
 29 creed, color, age, mental or physical disability, sexual orientation, religion, marital status,
 30 gender identity, **GENETIC INFORMATION, THE PRESENCE OF CHILDREN FAMILY**
 31 **RESPONSIBILITIES,** or national origin.

1 17-402.1.

2 (a) (1) The Commission may not enter into a contract unless the contract
3 contains a provision obliging the contractor:

4 (i) not to discriminate in any manner against an employee or an
5 applicant for employment on the basis of sex, race, creed, color, age, mental or physical
6 disability, sexual orientation, religion, marital status, gender identity, **GENETIC**
7 **INFORMATION**, or national origin; and

8 (ii) to include a similar nondiscrimination provision in all
9 subcontracts.

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

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

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

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

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

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

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

23 (ii) the contract is partially executory.

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

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

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.