

SENATE BILL 531

D5

(0lr3491)

ENROLLED BILL

— Judicial Proceedings/Health and Government Operations —

Introduced by **Senators Smith, Augustine, Benson, Carter, Cassilly, Ellis, Feldman, Griffith, Guzzone, Hayes, Hettleman, Hester, Lam, Lee, McCray, Patterson, Peters, Ready, Sydnor, Waldstreicher, Washington, West, and Zucker**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Discrimination – ~~Definition of on the Basis of~~ Definition of Race – Hair Texture**
3 **and Hairstyles**

4 FOR the purpose of defining “race”, for the purposes of certain laws prohibiting
5 discrimination, to include certain traits ~~historically~~ associated with race, including
6 hair texture and certain hairstyles; defining “protective hairstyle”; ~~authorizing an~~
7 ~~employer to establish and require an employee to adhere to certain standards that~~
8 ~~are directly related to the nature of the employment of the employee and that are~~
9 ~~not precluded by any provision of State or federal law, subject to a certain exception;~~
10 and generally relating to discrimination and the definition of “race”.

11 BY repealing and reenacting, with amendments,
12 Article – State Government

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 Section 20–101 ~~and 20–605~~
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2019 Supplement)

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

6 **Article – State Government**

7 20–101.

8 (a) In Subtitles 1 through 11 of this title the following words have the meanings
9 indicated.

10 (b) “Commission” means the Commission on Civil Rights.

11 (c) “Complainant” means a person that files a complaint alleging a discriminatory
12 act under this title.

13 (d) “Discriminatory act” means an act prohibited under:

14 (1) Subtitle 3 of this title (Discrimination in Places of Public
15 Accommodation);

16 (2) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated
17 by Maryland Department of Labor);

18 (3) Subtitle 5 of this title (Discrimination in Leasing of Commercial
19 Property);

20 (4) Subtitle 6 of this title (Discrimination in Employment);

21 (5) Subtitle 7 of this title (Discrimination in Housing); or

22 (6) Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory
23 Act; Obstructing Compliance).

24 (e) “Gender identity” means the gender–related identity, appearance, expression,
25 or behavior of a person, regardless of the person’s assigned sex at birth, which may be
26 demonstrated by:

27 (1) consistent and uniform assertion of the person’s gender identity; or

28 (2) any other evidence that the gender identity is sincerely held as part of
29 the person’s core identity.

1 (F) “PROTECTIVE HAIRSTYLE” ~~MEANS A HAIRSTYLE DESIGNED TO~~
2 ~~PROTECT THE ENDS OF THE HAIR BY DECREASING TANGLING, SHEDDING, AND~~
3 ~~BREAKAGE, INCLUDING INCLUDES BRAIDS, TWISTS, AND LOCKS.~~

4 (G) “RACE” INCLUDES TRAITS ~~HISTORICALLY~~ ASSOCIATED WITH RACE,
5 INCLUDING HAIR TEXTURE, AFRO HAIRSTYLES, AND PROTECTIVE HAIRSTYLES.

6 [(f)] (H) (1) “Respondent” means a person accused in a complaint of a
7 discriminatory act.

8 (2) “Respondent” includes a person identified during an investigation of a
9 complaint and joined as an additional or substitute respondent.

10 [(g)] (I) “Sexual orientation” means the identification of an individual as to
11 male or female homosexuality, heterosexuality, or bisexuality.

12 ~~20-605.~~

13 (a) ~~Notwithstanding any other provision of this subtitle, this subtitle does not~~
14 ~~prohibit:~~

15 (1) ~~an employer from hiring and employing employees, an employment~~
16 ~~agency from classifying or referring for employment any individual, a labor organization~~
17 ~~from classifying its membership or classifying or referring for employment any individual,~~
18 ~~or an employer, labor organization, or joint labor management committee controlling~~
19 ~~apprenticeship or other training or retraining programs from admitting or employing any~~
20 ~~individual in a program, on the basis of the individual’s sex, age, religion, national origin,~~
21 ~~or disability, if sex, age, religion, national origin, or disability is a bona fide occupational~~
22 ~~qualification reasonably necessary to the normal operation of that business or enterprise;~~

23 (2) ~~an employer from establishing and requiring an employee to adhere to~~
24 ~~reasonable workplace appearance, grooming, and dress standards that are directly related~~
25 ~~to the nature of the employment of the employee and that are not precluded by any~~
26 ~~provision of State or federal law, as long as the employer allows any employee to appear,~~
27 ~~groom, and dress consistent with the employee’s gender identity;~~

28 (3) ~~a school, college, university, or other educational institution from hiring~~
29 ~~and employing employees of a particular religion, if:~~

30 (i) ~~the institution is wholly or substantially owned, supported,~~
31 ~~controlled, or managed by a particular religion or by a particular religious corporation,~~
32 ~~association, or society; or~~

33 (ii) ~~the curriculum of the institution is directed toward the~~
34 ~~propagation of a particular religion; [or]~~

~~(4) except as provided in subsection (b) of this section, an employer, employment agency, or labor organization from observing the terms of a bona fide seniority system or any bona fide employee benefit plan, such as a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this subtitle; OR~~

~~(5) AN EMPLOYER FROM ESTABLISHING, AND REQUIRING AN EMPLOYEE TO ADHERE TO, REASONABLE WORKPLACE APPEARANCE AND GROOMING STANDARDS THAT ARE DIRECTLY RELATED TO THE NATURE OF THE EMPLOYMENT OF THE EMPLOYEE AND THAT ARE NOT PRECLUDED BY ANY PROVISION OF STATE OR FEDERAL LAW, AS LONG AS THE EMPLOYER ALLOWS THE EMPLOYEE TO APPEAR AND GROOM IN A MANNER THAT IS CONSISTENT WITH THE EMPLOYEE'S RACE.~~

~~(b) An employee benefit plan may not excuse the failure to hire any individual.~~

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.