

Chapter 487

(House Bill 1560)

AN ACT concerning

Washington Suburban Sanitary Commission – Discrimination – Prohibited

PG/MC 103–20

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

BY repealing and reenacting, without amendments,

Article – Insurance

Section 27–909(a)(1) and (3)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 16–101, 17–402, and 17–402.1

Annotated Code of Maryland

(2010 Replacement Volume and 2019 Supplement)

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

Article – Insurance

27–909.

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

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

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

2. obtained for diagnostic and therapeutic purposes; and

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

(ii) “Genetic information” does not include:

1. routine physical measurements;

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

3. tests for use of drugs; or

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

Article – Public Utilities

16–101.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) a state, possession, territory, or commonwealth of the United States; or
- (ii) the District of Columbia.

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

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, **GENETIC INFORMATION**, ~~THE PRESENCE OF CHILDREN~~ **FAMILY RESPONSIBILITIES**, or national origin.

17-402.1.

(a) (1) The Commission may not enter into a contract unless the contract contains a provision obliging 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, **GENETIC INFORMATION**, or national origin; and

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

(2) (i) If the nondiscrimination provision 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 provision; 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 provision, 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, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.