

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1045 (Delegate Wivell)  
Economic Matters

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**Labor and Employment - Elective Medical Procedures - Employee Protections**

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This bill prohibits an employer from requiring an employee to undergo an elective medical procedure unless the procedures would have a substantial effect on the employee's capacity or fitness to perform the job properly. An employer may not retaliate against an employee who declines to undergo such a procedure. **The bill takes effect June 1, 2021.**

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**Fiscal Summary**

**State Effect:** The Maryland Department of Labor (MDL) can investigate any complaints resulting from the bill with existing budgeted resources. Revenues are not affected.

**Local Effect:** The bill does not directly affect local government operations or finances.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary/Current Law:** In general, the Commissioner of Labor and Industry within MDL may conduct an investigation to determine whether a provision of Title 3 of the Labor and Employment Article (in which the bill's provisions appear) has been violated. The investigation may be carried out on the commissioner's own initiative, or the commissioner may require a written complaint. However, the commissioner is not authorized to otherwise enforce the bill's provisions.

**Additional Comments:** As "elective medical procedure" is not defined, it is unclear how narrowly or broadly the bill might apply.

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## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of Labor; Department of Legislative Services

**Fiscal Note History:** First Reader - March 4, 2021  
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