

HOUSE BILL 78

D5, K3

2lr0608

(PRE-FILED)

By: **Delegates Rogers and Charkoudian**

Requested: September 30, 2021

Introduced and read first time: January 12, 2022

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 15, 2022

CHAPTER _____

1 AN ACT concerning

2 **Discrimination in Employment – Reasonable Accommodations for Applicants**
3 **With Disabilities**

4 FOR the purpose of prohibiting an employer from failing or refusing to make a certain
5 accommodation for a known disability of an ~~otherwise-qualified~~ applicant for
6 employment; establishing that an employer is not required to accommodate an
7 applicant for employment's disability under certain circumstances; and generally
8 relating to discrimination in employment and reasonable accommodations for
9 applicants with disabilities.

10 BY repealing and reenacting, with amendments,
11 Article – State Government
12 Section 20–603 and 20–606(a)
13 Annotated Code of Maryland
14 (2021 Replacement Volume)

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

17 **Article – State Government**

18 20–603.

19 This subtitle does not require:

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 (1) an employer, employment agency, labor organization, or joint
2 labor-management committee subject to this subtitle to grant preferential treatment to
3 any individual or group on the basis of the race, color, religion, sex, age, national origin,
4 gender identity, sexual orientation, or disability of the individual or group because an
5 imbalance may exist with respect to the total number or percentage of individuals of any
6 race, color, religion, sex, age, national origin, gender identity, or sexual orientation or
7 individuals with disabilities employed by the employer, referred or classified for
8 employment by the employment agency or labor organization, admitted to membership or
9 classified by the labor organization, or admitted to, or employed in, any apprenticeship or
10 other training program, compared to the total number or percentage of individuals of that
11 race, color, religion, sex, age, national origin, gender identity, or sexual orientation or
12 individuals with disabilities in the State or any community, section, or other area, or in the
13 available work force in the State or any community, section, or other area; or

14 (2) an employer to reasonably accommodate an employee's religion or
15 disability, ~~OR A QUALIFIED AN APPLICANT FOR EMPLOYMENT'S DISABILITY~~, if the
16 accommodation would cause undue hardship on the conduct of the employer's business.

17 20-606.

18 (a) An employer may not:

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

22 (i) the individual's race, color, religion, sex, age, national origin,
23 marital status, sexual orientation, gender identity, genetic information, or disability
24 unrelated in nature and extent so as to reasonably preclude the performance of the
25 employment; or

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

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

32 (i) the individual's race, color, religion, sex, age, national origin,
33 marital status, sexual orientation, gender identity, genetic information, or disability
34 unrelated in nature and extent so as to reasonably preclude the performance of the
35 employment; or

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

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

3 (4) fail or refuse to make a reasonable accommodation for the known
4 disability of an otherwise qualified employee **OR AN APPLICANT FOR EMPLOYMENT**; or

5 (5) engage in harassment of an employee.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.