

HOUSE BILL 164

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2lr0895

(PRE-FILED)

By: **Delegate Healey**

Requested: October 21, 2021

Introduced and read first time: January 12, 2022

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Institutions of Higher Education – Pregnant Students – Policy**

3 FOR the purpose of prohibiting an institution of higher education from requiring pregnant
4 students to take a leave of absence, withdraw, or limit studies; requiring an
5 institution of higher education to allow pregnant students, students who have
6 recently given birth, and students who are the nonbirth parents of a recently born
7 child to take a certain leave of absence and return to the institution in good academic
8 standing, subject to a certain condition; requiring an institution of higher education
9 to make reasonable accommodations for pregnant students and designate a certain
10 lactation space at the institution; requiring an institution of higher education to
11 adopt and implement a certain policy, post the policy on the institution's website and
12 in certain locations, and provide a copy of the policy to certain individuals at certain
13 times; and generally relating to pregnant students at institutions of higher
14 education.

15 BY adding to

16 Article – Education

17 Section 15–134

18 Annotated Code of Maryland

19 (2018 Replacement Volume and 2021 Supplement)

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

22 **Article – Education**

23 **15–134.**

24 **(A) THE GENERAL ASSEMBLY FINDS THAT ALL STUDENTS AT AN**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 INSTITUTION OF HIGHER EDUCATION IN THE STATE, REGARDLESS OF THEIR
2 GENDER, SHALL ENJOY FREEDOM FROM DISCRIMINATION OF ANY KIND, INCLUDING
3 PREGNANCY DISCRIMINATION AS DESCRIBED IN TITLE IX OF THE EDUCATION
4 AMENDMENTS OF 1972.

5 (B) AN INSTITUTION OF HIGHER EDUCATION MAY NOT REQUIRE A STUDENT
6 TO TAKE A LEAVE OF ABSENCE, WITHDRAW FROM A PROGRAM, OR LIMIT A
7 STUDENT'S STUDIES DUE TO A STUDENT'S PREGNANCY OR FOR OTHER
8 PREGNANCY-RELATED REASONS.

9 (C) (1) (I) EACH INSTITUTION OF HIGHER EDUCATION SHALL ALLOW A
10 STUDENT TO TAKE A LEAVE OF ABSENCE BECAUSE THE STUDENT IS PREGNANT OR
11 HAS RECENTLY GIVEN BIRTH.

12 (II) A LEAVE OF ABSENCE UNDER THIS PARAGRAPH SHALL:

13 1. BE GRANTED FOR NOT LESS THAN 12 MONTHS,
14 UNLESS THE STUDENT REQUESTS A SHORTER LEAVE PERIOD;

15 2. INCLUDE TIME TO PREPARE FOR AND TAKE
16 PRELIMINARY OR QUALIFYING EXAMINATIONS TO RETURN TO CLASS; AND

17 3. ALLOW FOR AN EXTENSION IF MEDICALLY
18 NECESSARY.

19 (2) (I) AN INSTITUTION OF HIGHER EDUCATION SHALL ALLOW A
20 STUDENT WHO IS NOT THE BIRTH PARENT TO TAKE A LEAVE OF ABSENCE FOR THE
21 BIRTH OF THEIR CHILD.

22 (II) A LEAVE OF ABSENCE UNDER THIS PARAGRAPH SHALL:

23 1. BE GRANTED FOR NOT LESS THAN 1 MONTH, UNLESS
24 THE STUDENT REQUESTS A SHORTER LEAVE PERIOD;

25 2. INCLUDE TIME TO PREPARE FOR AND TAKE
26 PRELIMINARY OR QUALIFYING EXAMINATIONS TO RETURN TO CLASS; AND

27 3. ALLOW FOR AN EXTENSION IF MEDICALLY
28 NECESSARY.

29 (3) IF A STUDENT IS IN GOOD ACADEMIC STANDING AT THE
30 INSTITUTION OF HIGHER EDUCATION BEFORE TAKING A LEAVE OF ABSENCE UNDER
31 THIS SUBSECTION, THE INSTITUTION SHALL RETURN THE STUDENT TO GOOD

1 **ACADEMIC STANDING WHEN THE LEAVE OF ABSENCE CONCLUDES.**

2 **(D) (1) AN INSTITUTION OF HIGHER EDUCATION SHALL MAKE**
3 **REASONABLE ACCOMMODATIONS FOR A PREGNANT STUDENT SO THAT THE**
4 **STUDENT MAY COMPLETE THEIR COURSES OF STUDY AND RESEARCH.**

5 **(2) REASONABLE ACCOMMODATIONS UNDER THIS SUBSECTION MAY**
6 **INCLUDE CONSIDERATIONS FOR THE PREGNANT STUDENT’S HEALTH AND SAFETY,**
7 **INCLUDING ALLOWING:**

8 **(I) A STUDENT TO MAINTAIN A SAFE DISTANCE FROM**
9 **HAZARDOUS SUBSTANCES OR EQUIPMENT;**

10 **(II) A STUDENT TO MAKE UP TESTS AND ASSIGNMENTS THAT**
11 **WERE MISSED FOR PREGNANCY-RELATED REASONS; AND**

12 **(III) MEDICALLY NECESSARY EXCUSED ABSENCES.**

13 **(E) AN INSTITUTION OF HIGHER EDUCATION SHALL DESIGNATE A PRIVATE**
14 **LACTATION SPACE AT THE INSTITUTION THAT:**

15 **(1) INCLUDES AT LEAST ONE SEATING OPTION WITH A FLAT SURFACE**
16 **AND ELECTRICAL OUTLET NEARBY TO ACCOMMODATE PLACEMENT OF A BREAST**
17 **PUMP DEVICE; AND**

18 **(2) IS NOT A BATHROOM OR CLOSET.**

19 **(F) EACH INSTITUTION OF HIGHER EDUCATION SHALL ADOPT AND**
20 **IMPLEMENT A WRITTEN POLICY FOR STUDENTS ON PREGNANCY DISCRIMINATION**
21 **AWARENESS THAT INCLUDES:**

22 **(1) THE PROVISIONS OF THIS SECTION; AND**

23 **(2) PROCEDURES FOR ADDRESSING PREGNANCY DISCRIMINATION**
24 **COMPLAINTS UNDER TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 OR THIS**
25 **SECTION.**

26 **(G) EACH INSTITUTION OF HIGHER EDUCATION SHALL:**

27 **(1) POST THE POLICY ADOPTED IN ACCORDANCE WITH SUBSECTION**
28 **(F) OF THIS SECTION ON THE INSTITUTION’S WEBSITE AND AT APPROPRIATE**
29 **LOCATIONS ON EACH CAMPUS;**

1 **(2) DISTRIBUTE A COPY OF THE POLICY TO STUDENTS, FACULTY**
2 **MEMBERS, AND EMPLOYEES AT ALL ORIENTATION SESSIONS; AND**

3 **(3) AT THE REQUEST OF A STUDENT AT A CAMPUS MEDICAL CENTER,**
4 **PROVIDE A COPY OF THE POLICY TO THE STUDENT.**

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