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

Institutions of Higher Education – Pregnant Students – Policy

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

15 BY adding to
16 Article – Education
17 Section 15–134
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2021 Supplement)

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

Article – Education

15–134.

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

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

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

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

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

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

3. ALLOW FOR AN EXTENSION IF MEDICALLY NECESSARY.

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

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

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

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

3. ALLOW FOR AN EXTENSION IF MEDICALLY NECESSARY.

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

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

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

(i) A STUDENT TO MAINTAIN A SAFE DISTANCE FROM HAZARDOUS SUBSTANCES OR EQUIPMENT;

(ii) A STUDENT TO MAKE UP TESTS AND ASSIGNMENTS THAT WERE MISSED FOR PREGNANCY–RELATED REASONS; AND

(iii) MEDICALLY NECESSARY EXCUSED ABSENCES.

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

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

(2) IS NOT A BATHROOM OR CLOSET.

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

(1) THE PROVISIONS OF THIS SECTION; AND

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

(G) EACH INSTITUTION OF HIGHER EDUCATION SHALL:

(1) POST THE POLICY ADOPTED IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION ON THE INSTITUTION’S WEBSITE AND AT APPROPRIATE LOCATIONS ON EACH CAMPUS;
(2) Distribute a copy of the policy to students, faculty members, and employees at all orientation sessions; and

(3) At the request of a student at a campus medical center, provide a copy of the policy to the student.

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