SENATE BILL 450

By: Senator Smith
Introduced and read first time: January 27, 2022
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: February 17, 2022

CHAPTER ______

1  AN ACT concerning

2  Harassment and Sexual Harassment – Definitions – Employment Discrimination
   and Sexual Harassment Prevention Training

3  FOR the purpose of altering the definition of “harassment” for purposes of certain
   provisions relating to discrimination in employment to include sexual harassment
   and certain unwelcome and offensive conduct; altering the definition of “sexual
   harassment” for purposes of certain provisions relating to State government sexual
   harassment prevention training; and generally relating to employment
   discrimination and sexual harassment prevention training.

10 BY repealing and reenacting, without amendments,
11 Article – State Government
12 Section 20–601(a)
13 Annotated Code of Maryland
14 (2021 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article – State Government
17 Section 20–601(h)
18 Annotated Code of Maryland
19 (2021 Replacement Volume)

20 BY adding to
21 Article – State Government
22 Section 20–601(k)

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.
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Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–203.1(a)
Annotated Code of Maryland
(2015 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 – State Government

20–601.

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

(h) “Harassment” includes [harassment]:

(1) UNWELCOME AND OFFENSIVE CONDUCT, WHICH NEED NOT BE
SEVERE OR PERVASIVE, WHEN:

(I) THE CONDUCT IS based on race, color, religion, ancestry or
national origin, sex, age, marital status, sexual orientation, gender identity, or disability[, and retains its judicially determined meaning, except to the extent it is expressly or
impliedly changed in this subtitle]; AND

(II) 1. SUBMISSION TO THE CONDUCT IS MADE EITHER
EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF EMPLOYMENT OF AN
INDIVIDUAL;

2. SUBMISSION TO OR REJECTION OF THE CONDUCT IS
USED AS A BASIS FOR EMPLOYMENT DECISIONS AFFECTING THE INDIVIDUAL; OR

3. BASED ON THE TOTALITY OF THE CIRCUMSTANCES,
THE CONDUCT UNREASONABLY CREATES A WORKING ENVIRONMENT THAT A
REASONABLE PERSON WOULD PERCEIVE TO BE ABUSIVE OR HOSTILE; AND

(2) SEXUAL HARASSMENT.

(k) “SEXUAL HARASSMENT” INCLUDES CONDUCT, WHICH NEED NOT BE
SEVERE OR PERVERSIVE, THAT CONSISTS OF UNWELCOME SEXUAL ADVANCES,
REQUESTS FOR SEXUAL FAVORS, OR OTHER CONDUCT OF A SEXUAL NATURE WHEN:
(1) Submission to the conduct is made either explicitly or implicitly a term or condition of employment of an individual;

(2) Submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or

(3) Based on the totality of the circumstances, the conduct unreasonably creates a working environment that a reasonable person would perceive to be abusive or hostile.

Article – State Personnel and Pensions

2–203.1.

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

(2) “Commission” means the Commission on Civil Rights.

(3) “Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical contact of a sexual nature when:

(i) submission to the conduct is made either explicitly or implicitly a term or condition of an individual’s employment;

(ii) submission to or rejection of the conduct by an individual is used as a basis for employment decisions affecting the individual; or

(iii) the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating or offensive working environment that is perceived by the victim to be abusive or hostile] has the meaning stated in § 20–601 of the State Government Article.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.