

SENATE BILL 450

D5, P4
SB 834/21 – JPR

2lr1408
CF 2lr3100

By: **Senator Smith**

Introduced and read first time: January 27, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of altering the definition of “harassment” for purposes of certain
5 provisions relating to discrimination in employment to include sexual harassment
6 and certain unwelcome and offensive conduct; altering the definition of “sexual
7 harassment” for purposes of certain provisions relating to State government sexual
8 harassment prevention training; and generally relating to employment
9 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)
23 Annotated Code of Maryland
24 (2021 Replacement Volume)

25 BY repealing and reenacting, with amendments,
26 Article – State Personnel and Pensions
27 Section 2–203.1(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2021 Supplement)

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

5 **Article – State Government**

6 20–601.

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

8 (h) “Harassment” includes [harassment]:

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

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

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

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

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

23 **(2) SEXUAL HARASSMENT.**

24 **(K) “SEXUAL HARASSMENT” INCLUDES CONDUCT, WHICH NEED NOT BE**
25 **SEVERE OR PERVASIVE, THAT CONSISTS OF UNWELCOME SEXUAL ADVANCES,**
26 **REQUESTS FOR SEXUAL FAVORS, OR OTHER CONDUCT OF A SEXUAL NATURE WHEN:**

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

29 **(2) SUBMISSION TO OR REJECTION OF THE CONDUCT IS USED AS A**
30 **BASIS FOR EMPLOYMENT DECISIONS AFFECTING THE INDIVIDUAL; OR**

1 **(3) BASED ON THE TOTALITY OF THE CIRCUMSTANCES, THE CONDUCT**
2 **UNREASONABLY CREATES A WORKING ENVIRONMENT THAT A REASONABLE PERSON**
3 **WOULD PERCEIVE TO BE ABUSIVE OR HOSTILE.**

4 **Article – State Personnel and Pensions**

5 2–203.1.

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

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

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

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

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

14 (iii) the conduct has the purpose or effect of unreasonably interfering
15 with an individual’s work performance or creating an intimidating or offensive working
16 environment that is perceived by the victim to be abusive or hostile] **HAS THE MEANING**
17 **STATED IN § 20–601 OF THE STATE GOVERNMENT ARTICLE.**

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