

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1297
Economic Matters

(Delegate Wivell, *et al.*)

Labor and Employment – Elective Medical Procedures – Employee Protections

This bill prohibits an employer from requiring an employee to undergo an elective medical procedure unless the procedure would have a substantial effect on the employee’s capacity or fitness to perform the job properly. An employer may not retaliate against an employee who declines to undergo such a procedure. **The bill takes effect June 1, 2022.**

Fiscal Summary

State Effect: The Maryland Department of Labor (MDL) can respond to inquiries and investigate any complaints resulting from the bill with existing budgeted resources. Revenues are not affected.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: In general, the Commissioner of Labor and Industry within MDL may conduct an investigation to determine whether a provision of Title 3 of the Labor and Employment Article (in which the bill’s provisions appear) has been violated. The investigation may be carried out on the commissioner’s own initiative, or the commissioner may require a written complaint. However, the commissioner is not authorized to otherwise enforce the bill’s provisions.

Additional Comments: As “elective medical procedure” is not defined, it is unclear how narrowly or broadly the bill might apply.

Additional Information

Prior Introductions: HB 1045 of 2021 received a hearing in the House Economic Matters Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Maryland Commission on Civil Rights; Maryland Department of Labor; Department of Legislative Services

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