

HB0102/653729/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 102
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “**Application**” in line 2 down through “**Individuals**” in line 3 and substitute “**Revisions**”; in line 4, after the first “of” insert “defining “anchor date” to establish certain reference points for the calculation of a certain covered employee’s average weekly wage and eligibility for increases in weekly benefits under the Family Medical Leave and Insurance Program;”; in lines 6 and 7, strike “Family and Medical Leave Insurance”; in line 8, after “individuals;” insert “altering certain dates related to annual reporting and the implementation of the Program;”; in line 11, after “Program;” insert “altering the frequency with which subsequent payments are to be made under the Program; authorizing the Secretary to announce, rather than notify each employer of, a certain increase to the maximum weekly benefit amount; prohibiting the Department from requiring certain employers to escrow employer and employee contributions before the issuance of Program benefits by the Department;”; in line 15, strike “, (d),”; in the same line, strike “and 8.3–703(b)(3)”; after line 17, insert:

“BY adding to

Article - Labor and Employment

Section 8.3–101(a–1)

Annotated Code of Maryland

(2016 Replacement Volume and 2024 Supplement)”;

in line 20, after “8.3–101(b)” insert “and (d)”; in the same line, after “8.3–201,” insert “8.3–406(a)”; in the same line, after “8.3–601,” insert “8.3–701(a)”; and in the same line, strike “and (b)(1) and (2)” and substitute “, (b), (c), (d)(5), (e)(2), and (f)”.

AMENDMENT NO. 2

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On page 2, after line 2, insert:

“(A-1) “ANCHOR DATE” MEANS THE EARLIER OF THE DATE ON WHICH:

(1) AN APPLICATION FOR BENEFITS IS COMPLETE IN ACCORDANCE WITH § 8.3-701(B)(2) OF THIS TITLE; OR

(2) LEAVE BEGINS FOR A COVERED INDIVIDUAL FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE.”;

and in line 9, strike “date on which leave is to begin” and substitute “ANCHOR DATE”.

On page 3, in line 3, strike “**2027**” and substitute “**2028**”; after line 8, insert:

“8.3-406.

(a) On or before [November 15] OCTOBER 1 each year, the Secretary shall submit to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly an annual report on the administration and operation of the Program during the immediately preceding fiscal year.”;

in lines 10 and 26, in each instance, strike “July 1, 2025” and substitute “**JANUARY 1, 2027**”; in line 23, strike “February 1, 2025” and substitute “**MAY 1, 2026**”; in line 26, strike “June 30, 2026” and substitute “**DECEMBER 31, 2027**”; in lines 27 and 31, in each instance, strike “November 15” and substitute “**OCTOBER 1**”; and in line 27, strike “2026” and substitute “**2027**”.

On page 4, in line 5, strike “February” and substitute “**NOVEMBER**”; in the same line, strike “2026” and substitute “**2027**”; and in line 7, strike “July” and substitute “**JANUARY**”.

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On page 5, after line 23, insert:

“8.3–701.

(a) (1) Subject to paragraph (2) of this subsection, beginning [July 1, 2026] ON A DATE NOT EARLIER THAN JANUARY 1, 2027, BUT NOT LATER THAN JANUARY 3, 2028, DETERMINED AND ANNOUNCED BY THE SECRETARY, a covered individual taking leave from employment may submit a claim for benefits:

(i) 1. to care for a newborn child of the covered individual during the first year after the child’s birth; or

2. because a child is being placed for adoption, foster care, or kinship care with the covered individual or to care for or bond with the child during the first year after the placement;

(ii) to care for a family member with a serious health condition;

(iii) to attend to a serious health condition that results in the covered individual being unable to perform the functions of the covered individual’s position;

(iv) to care for a service member with a serious health condition resulting from military service for whom the covered individual is next of kin; or

(v) to attend to a qualifying exigency arising out of the deployment of a service member who is a family member of the covered individual.”;

and in line 28, after “quarters” insert “THAT IMMEDIATELY PRECEDE THE ANCHOR DATE AND”.

(Over)

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On page 6, in line 13, strike “6-month period beginning July 1, 2026,” and substitute “PERIOD BEGINNING ON THE DATE ANNOUNCED BY THE SECRETARY UNDER § 8.3-701(A)(1) OF THIS SUBTITLE AND ENDING DECEMBER 31, 2028, BOTH INCLUSIVE,”; in line 14, strike “2027” and substitute “2029”; and after line 16, insert:

“(4) (i) In this paragraph, “Consumer Price Index” means the Consumer Price Index for All Urban Consumers for the Washington–Arlington–Alexandria, DC–VA–MD–WV metropolitan area or a successor index published by the federal Bureau of Labor Statistics.

(ii) Subject to subsection (e) of this section, for the 12-month period beginning January 1, [2027] 2029, and each subsequent 12-month period, the maximum weekly benefit amount shall be increased by the amount, rounded to the nearest cent, that equals the product of:

1. the maximum weekly benefit amount in effect for the immediately preceding 12-month period; and

2. the annual percentage growth in the Consumer Price Index for the immediately preceding 12-month period, as determined by the Secretary under subparagraph (iii)1 of this paragraph.

(iii) Beginning September 1, [2026] 2028, and on each subsequent September 1, the Secretary shall determine and announce:

1. the annual percentage growth, if any, in the Consumer Price Index based on the most recent 12-month period for which data are available on September 1; and

2. the maximum weekly benefit amount effective for the 12-month period beginning the immediately following January 1.

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(c) (1) Except as provided in paragraph (2) of this subsection, an increase in the weekly benefit amount under subsection (b)(4) of this section applies only to [a claim for benefits that begins] **AN APPLICATION YEAR WITH AN ANCHOR DATE THAT OCCURS ON OR** after the date the increase becomes effective.

(2) If the leave for which benefits are being paid is being taken intermittently, an increase in the weekly benefit amount shall apply to a claim for benefits as specified in regulations adopted by the Department.

(d) The Department shall:

(5) make subsequent payments **AT LEAST** every 2 weeks until the benefit period ends.

(e) (2) Subject to paragraph (4) of this subsection, on or before September 1 each year, beginning in [2026] **2028**, the Board shall determine whether the seasonally adjusted total employment from the Current Employment Statistics series as reported by the U.S. Bureau of Labor Statistics for the most recent 6-month period is negative as compared with the immediately preceding 6-month period.

(f) The Department shall [notify each employer of] **ANNOUNCE** the increase to the maximum weekly benefit specified under subsection (b)(3)(ii) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of Labor may not require employers who are allowed to pool together with other employers under § 19-602 of the Insurance Article to purchase insurance to escrow employer and employee contributions under § 8.3-601 of the Labor and Employment Article before the issuance of Family and Medical Leave Insurance Program benefits by the Department.”;

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and in line 17, strike “2.” and substitute “3.”.