

Chapter 301

(House Bill 1016)

AN ACT concerning

~~Labor and Employment~~ **Noncompete and Conflict of Interest Clauses –
Licensed Architects – Employer Workforce Relocation and Out-of-State
Employers**

FOR the purpose of applying certain provisions of law establishing that certain noncompete and conflict of interest provisions in certain employment contracts are null and void as being against the public policy of the State to ~~employees of~~ *licensed architects employed by* certain employers that relocate the majority of its employees outside the State or have its principal place of business outside the State; and generally relating to noncompete and conflict of interest clauses in employment contracts.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3-716
Annotated Code of Maryland
(2025 Replacement Volume)

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

Article – Labor and Employment

3-716.

(a) (1) **(I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(II) “ENFORCEMENT DATE” MEANS THE EARLIEST DATE ON WHICH AN EMPLOYER SEEKING TO ENFORCE A NONCOMPETE OR CONFLICT OF INTEREST PROVISION IN AN EMPLOYMENT CONTRACT OR A SIMILAR DOCUMENT OR AGREEMENT CONCERNING AN EMPLOYEE:

1. FILES AN ACTION OR OTHERWISE SEEKS JUDICIAL ENFORCEMENT OF THE PROVISION;

2. INITIATES ARBITRATION OR ANOTHER FORM OF FORMAL DISPUTE RESOLUTION TO ENFORCE THE PROVISION; OR

3. DEMANDS IN WRITING THAT THE EMPLOYEE COMPLY WITH THE PROVISION.

(III) “LICENSED ARCHITECT” HAS THE MEANING STATED IN § 3-101 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

(IV) “PRINCIPAL PLACE OF BUSINESS” MEANS THE SINGLE LOCATION FROM WHICH THE OFFICERS OF THE EMPLOYER DIRECT, CONTROL, AND COORDINATE THE ACTIVITIES OF THE EMPLOYER.

(2) This subsection applies:

(i) to an employment contract or a similar document or agreement concerning:

1. an employee who earns equal to or less than 150% of the State minimum wage rate established under § 3-413 of this title;

2. employment in a position for which the employee:

A. is required to be licensed under the Health Occupations Article;

B. is employed in a position that provides direct patient care; and

C. earns equal to or less than \$350,000 in total annual compensation;

3. ~~AN EMPLOYEE OF A LICENSED ARCHITECT WHO IS EMPLOYED BY AN EMPLOYER THAT:~~

A. ~~AT ANY TIME DURING~~ ON THE FIRST DAY OF THE EMPLOYEE’S EMPLOYMENT EMPLOYS MORE THAN 30 EMPLOYEES, THE MAJORITY OF WHOM ~~ARE LOCATED IN THE STATE~~ REPORT TO A PRIMARY WORK SITE LOCATED IN THE STATE OR PERFORM WORK REMOTELY FROM WITHIN THE STATE; AND

B. ~~AT ANY TIME DURING OR SUBSEQUENT TO THE EMPLOYEE’S EMPLOYMENT, RELOCATES, REORGANIZES, OR OTHERWISE CEASES TO~~ ON THE ENFORCEMENT DATE, DOES NOT HAVE THE MAJORITY OF ITS EMPLOYEES REPORT TO A PRIMARY WORK SITE LOCATED IN THE STATE OR PERFORM WORK REMOTELY FROM WITHIN THE STATE, OR ~~DOES NOT HAVE~~ ITS PRINCIPAL PLACE OF BUSINESS LOCATED IN THE STATE; or

[3.] 4. an employee licensed as a veterinary practitioner or veterinary technician under Title 2, Subtitle 3 of the Agriculture Article; and

(ii) whether or not the employer and employee entered into the employment contract or similar document or agreement in the State.

~~(2)~~ **(3)** This subsection does not apply to an employment contract or a similar document or agreement with respect to the taking or use of a client or patient list or other proprietary client–related or patient–related information.

~~(3)~~ **(4)** A noncompete or conflict of interest provision in an employment contract or a similar document or agreement that restricts the ability of an employee to enter into employment with a new employer or to become self–employed in the same or similar business or trade shall be null and void as being against the public policy of the State.

(b) (1) This subsection applies only to an employment contract or similar document or agreement concerning employment in a position for which the employee:

- (i) is required to be licensed under the Health Occupations Article;
- (ii) is employed in a position that provides direct patient care; and
- (iii) earns more than \$350,000 in total annual compensation.

(2) (i) The period for which a noncompete or conflict of interest provision in an employment contract or similar document or agreement is in effect may not exceed 1 year from the last day of employment.

(ii) The geographical restriction in a noncompete or conflict of interest provision in an employment contract or similar document or agreement may not exceed 10 miles from the primary place of employment.

(3) On request of a patient, an employer of an employee described in paragraph (1) of this subsection shall provide notice to a patient of the new location where a former employee will be practicing.

SECTION 2. AND BE IT FURTHER ENACTED, That § 3–716(a)(1)(i)3 of the Labor and Employment Article, as enacted by Section 1 of this Act, shall be construed to apply only to employment contracts or similar documents or agreements for employment executed on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, April 28, 2026.