

# HOUSE BILL 536

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By: **Delegates Smith, Amprey, Boyce, Coley, Embry, Hill, Lewis, and Watson**

Introduced and read first time: January 27, 2026

Assigned to: Government, Labor, and Elections

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: February 23, 2026

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Employment Discrimination – Reasonable Accommodations – Disabilities Due to**  
3 **Childbirth, Menopause, and Related Medical Conditions**

4 FOR the purpose of expanding certain protections against employment discrimination to  
5 apply to temporary disabilities caused or contributed to by childbirth, menopause, or  
6 a related medical condition; authorizing an employer to consider a certain  
7 operational impact in determining an undue burden imposed by a certain transfer  
8 request by an employee; and generally relating to reasonable accommodations in  
9 employment for temporary disabilities due to childbirth, menopause, and related  
10 medical conditions.

11 BY repealing and reenacting, with amendments,  
12 Article – State Government  
13 Section 20–609  
14 Annotated Code of Maryland  
15 (2021 Replacement Volume and 2025 Supplement)

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

18 **Article – State Government**

19 20–609.

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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.



1 (a) (1) In this section[, “reasonable] **THE FOLLOWING WORDS HAVE THE**  
2 **MEANINGS INDICATED.**

3 (2) **“REASONABLE accommodation”** means an accommodation:

4 [(1)] (I) for an employee’s disability caused or contributed to by  
5 pregnancy, **CHILDBIRTH, MENOPAUSE, OR A RELATED MEDICAL CONDITION**; and

6 [(2)] (II) that does not impose an undue hardship on the employee’s  
7 employer.

8 (3) **“RELATED MEDICAL CONDITION” INCLUDES:**

9 (I) **LACTATION OR THE NEED TO EXPRESS BREAST MILK FOR A**  
10 **NURSING CHILD; AND**

11 (II) **THE NEED TO MANAGE THE EFFECTS OF VASOMOTOR**  
12 **SYMPTOMS RELATED TO MENOPAUSE.**

13 (b) Disabilities caused or contributed to by pregnancy [or], childbirth,  
14 **MENOPAUSE, OR A RELATED MEDICAL CONDITION:**

15 (1) are temporary disabilities for all job–related purposes; and

16 (2) shall be treated as temporary disabilities under any health or  
17 temporary disability insurance or sick leave plan available in connection with employment.

18 (c) Written and unwritten employment policies and practices involving matters  
19 such as the commencement and duration of leave, the availability of extensions of leave,  
20 the accrual of seniority and other benefits and privileges, reinstatement, and payment  
21 under any health or temporary disability insurance or sick leave plan, formal or informal,  
22 shall be applied to disability due to pregnancy [or], childbirth, **MENOPAUSE, OR A**  
23 **RELATED MEDICAL CONDITION** on the same terms and conditions as they are applied to  
24 other temporary disabilities.

25 (d) If an employee requests a reasonable accommodation, the employer shall  
26 explore with the employee all possible means of providing the reasonable accommodation,  
27 including:

28 (1) changing the employee’s job duties;

29 (2) changing the employee’s work hours;

30 (3) relocating the employee’s work area;

1 (4) providing mechanical or electrical aids;

2 (5) transferring the employee to a less strenuous or less hazardous  
3 position; or

4 (6) providing leave.

5 (e) **(1)** If an employee requests a transfer to a less strenuous or less hazardous  
6 position as a reasonable accommodation, the employer shall transfer the employee for a  
7 period of time up to the duration of the employee's pregnancy **OR A RELATED MEDICAL**  
8 **CONDITION UNDER THIS SECTION** if:

9 ~~(i)~~ **(I)** the employer has a policy, practice, or collective bargaining  
10 agreement requiring or authorizing the transfer of a temporarily disabled employee to a  
11 less strenuous or less hazardous position for the duration of the disability; or

12 ~~(ii)~~ **(II)** the employee's health care provider advises the transfer and the  
13 employer can provide the reasonable accommodation by transferring the employee without:

14 ~~(i)~~ **1.** creating additional employment that the employer would  
15 not otherwise have created;

16 ~~(ii)~~ **2.** discharging any employee;

17 ~~(iii)~~ **3.** transferring any employee with more seniority than the  
18 employee requesting the reasonable accommodation; or

19 ~~(iv)~~ **4.** promoting any employee who is not qualified to perform  
20 the job.

21 **(2) TO DETERMINE WHETHER AN UNDUE BURDEN IS IMPOSED BY A**  
22 **TRANSFER REQUEST BY AN EMPLOYEE UNDER PARAGRAPH (1) OF THIS**  
23 **SUBSECTION, AN EMPLOYER MAY CONSIDER THE OPERATIONAL IMPACT OF ANY**  
24 **STAFFING GAP CREATED BY THE TRANSFER, INCLUDING:**

25 **(I) THE AVAILABILITY OF OTHER PERSONNEL TO PERFORM**  
26 **THE DUTIES OF THE TRANSFERRED EMPLOYEE; AND**

27 **(II) THE COST AND FEASIBILITY OF TEMPORARY COVERAGE.**

28 (f) (1) An employer may require an employee to provide a certification from  
29 the employee's health care provider concerning the medical advisability of a reasonable  
30 accommodation to the same extent a certification is required for other temporary  
31 disabilities.

1 (2) A certification under paragraph (1) of this subsection shall include:

2 (i) the date the reasonable accommodation became medically  
3 advisable;

4 (ii) the probable duration of the reasonable accommodation; and

5 (iii) an explanatory statement as to the medical advisability of the  
6 reasonable accommodation.

7 (g) An employer shall post in a conspicuous location, and include in any employee  
8 handbook, information concerning an employee’s rights to reasonable accommodations and  
9 leave for a disability caused or contributed to by pregnancy, **CHILDBIRTH, MENOPAUSE,**  
10 **OR A RELATED MEDICAL CONDITION.**

11 (h) An employer may not interfere with, restrain, or deny the exercise of, or the  
12 attempt to exercise, any right provided under this section.

13 (i) This section may not be construed to:

14 (1) affect any other provision of law relating to discrimination on the basis  
15 of sex or pregnancy; or

16 (2) diminish in any way the coverage of pregnancy, childbirth,  
17 **MENOPAUSE, or a RELATED medical condition [related to pregnancy or childbirth]** under  
18 this section.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2026.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.