



**SB0823/983928/1**

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

04 MAR 25  
14:19:13

BY: Senator McCray

(To be offered in the Finance Committee and the Budget and  
Taxation Committee)

AMENDMENTS TO SENATE BILL 823

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “requiring a local licensing board that issues licenses to sell alcoholic beverages for on–premises consumption to suspend a license for the failure of a license holder to complete certain sexual harassment prevention training;”; strike beginning with “specifying” in line 4 down through “wages;” in line 7 and substitute “prohibiting an employer of a tipped employee from deducting credit card transaction fees and charges from the wage of the tipped employee; authorizing the Commissioner of Labor and Industry to issue a certain order for a violation involving an employer’s failure to post certain information in a place of employment; establishing requirements related to sexual harassment prevention training for employers and employees;”; strike beginning with “allowing” in line 9 down through “tips;” in line 10 and substitute “requiring the Maryland Department of Labor to report on certain information regarding the State minimum wage and the tip credit to the General Assembly;”; strike beginning with “, the” in line 11 down through “taxes” in line 12 and substitute “and employers and employees in the State”; and after line 12, insert:

“BY adding to

Article – Alcoholic Beverages and Cannabis

Section 4–604(c)

Annotated Code of Maryland

(2024 Replacement Volume)”.

On page 2, in line 3, strike “3–413 and”; in the same line, after “3–419” insert “and 3–423”; after line 5, insert:

“BY adding to

Article – Labor and Employment

Section 3–715.1

Annotated Code of Maryland

(2016 Replacement Volume and 2024 Supplement)”;

and in line 13, strike “and 10–758”.

AMENDMENT NO. 2

On page 2, after line 17, insert:

“Article – Alcoholic Beverages and Cannabis

4–604.

(C) (1) ON RECEIPT OF A NOTIFICATION FROM THE COMMISSIONER OF LABOR AND INDUSTRY UNDER § 7–315.1(G)(3) OF THE LABOR AND EMPLOYMENT ARTICLE, A LOCAL LICENSING BOARD SHALL SUSPEND A LICENSE FOR THE FAILURE OF A LICENSE HOLDER TO COMPLETE THE SEXUAL HARASSMENT PREVENTION TRAINING AS REQUIRED UNDER § 3–715.1 OF THE LABOR AND EMPLOYMENT ARTICLE.

(2) A LICENSE SUSPENSION UNDER THIS SUBSECTION SHALL REMAIN IN EFFECT UNTIL THE LOCAL LICENSING BOARD RECEIVES NOTIFICATION FROM THE COMMISSIONER OF LABOR AND INDUSTRY THAT THE LICENSE HOLDER HAS TAKEN THE REQUIRED SEXUAL HARASSMENT PREVENTION TRAINING.”.

On pages 3 and 4, strike in their entirety the lines beginning with line 18 on page 3 through line 22 on page 4, inclusive.

On page 5, in line 10, strike “(1)”; in line 12, strike the brackets; and strike beginning with the colon in line 12 down through “EMPLOYEES” in line 23.

On page 6, before line 1, insert:

“(E) AN EMPLOYER MAY NOT MAKE A DEDUCTION FROM THE WAGE OF AN EMPLOYEE TO WHOM THIS SECTION APPLIES FOR ANY PORTION OF A CREDIT CARD TRANSACTION FEE OR CHARGE IMPOSED ON THE EMPLOYER.

3-423.

(a) On request by an employer, the Commissioner shall provide without charge a copy of any summary or regulation to the employer.

(b) Each employer shall keep posted conspicuously in each place of employment:

(1) a summary of this subtitle that the Commissioner approves; and

(2) a copy or summary of each regulation that is adopted to carry out this subtitle.

(C) IF THE COMMISSIONER DETERMINES THAT AN EMPLOYER HAS VIOLATED SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER MAY ISSUE AN ORDER TO THE EMPLOYER THAT DESCRIBES THE VIOLATION AND DIRECTS THE EMPLOYER TO POST THE REQUIRED INFORMATION.

3-715.1.

(A) THIS SECTION APPLIES ONLY TO:

(Over)

(1) AN EMPLOYER WHO INCLUDES A TIP CREDIT AS PART OF AN EMPLOYEE'S WAGE UNDER § 3-419 OF THIS ARTICLE; AND

(2) AN EMPLOYEE OF AN EMPLOYER DESCRIBED UNDER ITEM (1) OF THIS SUBSECTION.

(B) (1) SUBJECT TO PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, THE COMMISSIONER SHALL:

(I) PROVIDE MANDATORY SEXUAL HARASSMENT PREVENTION TRAINING FOR EMPLOYERS AND THEIR EMPLOYEES; AND

(II) CERTIFY A LIST OF OTHER PROVIDERS OF SEXUAL HARASSMENT PREVENTION TRAINING.

(2) THE COMMISSIONER SHALL CONSULT WITH GROUPS REPRESENTING VICTIMS, EMPLOYEES, AND EMPLOYERS IN THE CREATION OF THE SEXUAL HARASSMENT PREVENTION TRAINING REQUIRED TO BE PROVIDED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.

(3) THE SEXUAL HARASSMENT PREVENTION TRAINING SHALL INCLUDE INFORMATION ON HOW TO RESPOND TO, INTERVENE IN, AND PREVENT SEXUAL HARASSMENT BY COWORKERS, MANAGERS, AND CUSTOMERS OF THE EMPLOYER.

(4) THE COMMISSIONER, WITH THE APPROVAL OF THE SECRETARY OF LABOR, MAY DELEGATE THE RESPONSIBILITIES REQUIRED UNDER THIS SECTION TO ANOTHER UNIT WITHIN THE MARYLAND DEPARTMENT OF LABOR.

(C) (1) EACH EMPLOYEE OF AN EMPLOYER SHALL COMPLETE SEXUAL HARASSMENT PREVENTION TRAINING IN PERSON OR ONLINE:

(I) WITHIN 90 DAYS AFTER BEING HIRED BY THE EMPLOYER, UNLESS THE EMPLOYEE HAS COMPLETED THE TRAINING WITHIN THE IMMEDIATELY PRECEDING 2 YEARS; AND

(II) EVERY 2 YEARS THEREAFTER.

(2) EACH EMPLOYER, INCLUDING AN OWNER OR OPERATOR, SHALL COMPLETE THE SEXUAL HARASSMENT PREVENTION TRAINING IN PERSON OR ONLINE AT LEAST ONCE EVERY 2 YEARS.

(D) IF AN EMPLOYER OR EMPLOYEE OF THE EMPLOYER COMPLETES THE SEXUAL HARASSMENT PREVENTION TRAINING FROM A PROVIDER CERTIFIED BY THE COMMISSIONER, WITHIN 30 DAY AFTER THE COMPLETION OF THE TRAINING, THE EMPLOYER SHALL SUBMIT CERTIFICATION OF THE COMPLETION TO THE COMMISSIONER.

(E) THE COMMISSIONER SHALL MAINTAIN A RECORD OF EACH INDIVIDUAL WHO HAS COMPLETED THE SEXUAL HARASSMENT PREVENTION TRAINING FOR AT LEAST 5 YEARS.

(F) EACH EMPLOYER SHALL:

(1) BEGINNING JUNE 1, 2025, DOCUMENT INSTANCES OF SEXUAL HARASSMENT REPORTED TO MANAGEMENT, INCLUDING WHETHER THE ALLEGED

(Over)

HARASSER WAS A NONMANAGERIAL EMPLOYEE, A MANAGERIAL EMPLOYEE, AN OWNER, OR AN OPERATOR;

(2) (I) FILE WITH THE COMMISSIONER A POLICY OUTLINING HOW EMPLOYEES CAN REPORT INSTANCES OF SEXUAL HARASSMENT TO MANAGEMENT AND THE COMMISSIONER;

(II) DISTRIBUTE THE EMPLOYER'S SEXUAL HARASSMENT POLICY TO EACH NEWLY HIRED EMPLOYEE; AND

(III) POST THE POLICY IN A CONSPICUOUS PLACE ACCESSIBLE TO ALL EMPLOYEES ON THE PREMISES OF THE EMPLOYER; AND

(3) ON OR BEFORE DECEMBER 1 EACH YEAR, BEGINNING IN 2025, REPORT TO THE COMMISSIONER THE NUMBER OF INSTANCES OF SEXUAL HARASSMENT REPORTED TO MANAGEMENT AND THE TOTAL NUMBER OF ALLEGED HARASSERS WHO WERE NONMANAGERIAL EMPLOYEES, MANAGERIAL EMPLOYEES, OWNERS, OR OPERATORS.

(G) (1) THIS SUBSECTION APPLIES ONLY TO AN EMPLOYER THAT HOLDS A LICENSE ISSUED UNDER THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION.

(2) IF AN EMPLOYER OR AN EMPLOYEE DOES NOT COMPLETE THE SEXUAL HARASSMENT TRAINING AS REQUIRED UNDER THIS SECTION, THE COMMISSIONER SHALL NOTIFY THE EMPLOYER AND ORDER COMPLIANCE.

(3) IF, AFTER RECEIVING NOTICE FROM THE COMMISSIONER, THE EMPLOYER FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION

WITHIN A TIME PRESCRIBED BY REGULATION, THE COMMISSIONER SHALL NOTIFY THE EXECUTIVE DIRECTOR OF THE ALCOHOL, TOBACCO, AND CANNABIS COMMISSION AND THE LOCAL LICENSING BOARD, AS DEFINED IN § 1-101 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE, OF THE COUNTY IN WHICH THE EMPLOYER IS LOCATED.

(H) THE COMMISSIONER SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.”;

in line 8, strike “OR” and substitute “IN THE RESTAURANT”; in line 9, after “IS” insert “:

1.”;

and strike beginning with “, SUCH” in line 10 down through “SERVICES” in line 12 and substitute “;AND

2. REQUIRED TO RECEIVE A WRITTEN OR ELECTRONIC WAGE STATEMENT THAT SHOWS THE INDIVIDUAL’S EFFECTIVE HOURLY TIP RATE IN ACCORDANCE WITH § 3-419(D) OF THE LABOR AND EMPLOYMENT ARTICLE”.

On pages 6 and 7, strike in their entirety the lines beginning with line 20 on page 6 through line 4 on page 7, inclusive.

On page 7, strike beginning with “this” in line 5 down through “State” in line 8 and substitute “, on or before November 1, 2025, the Maryland Department of Labor, in consultation with the Department of Commerce, shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1257 of the State Government Article, on:

(Over)

(1) information about the State minimum wage required under § 3–413 of the Labor and Employment Article, including:

(i) data on the State minimum wage compared to the minimum wage of other states;

(ii) what the State minimum wage would be or would be projected to be if the minimum wage:

1. without regard to any statutory increases required to the minimum wage rate, were indexed to a measure of inflation, such as the Consumer Price Index, from July 1, 2019, through June 30, 2025, both inclusive; and

2. based on the minimum wage rate in effect on July 1, 2025, is indexed to a measure of inflation, such as the Consumer Price Index, for the period of July 1, 2025, through June 30, 2030, both inclusive; and

(iii) a comparison of the State minimum wage and the federal poverty levels in the State; and

(2) information about the tip credit applied to the wages of tipped employees under § 3–419 of the Labor and Employment Article, including:

(i) how the payment of tips to tipped employees in the State compares to states that require tipped employees, without applying a tip credit, to be paid the same minimum wage rate as nontipped employees;

(ii) how restaurants perform financially in the State compared to the states that require the payment of a minimum wage as described in item (1) of this item; and



(iii) the proportion of compliant restaurants in the State that provide to their employees effective hourly tip rates on written or electronic wage statements as required under § 3–419(d) of the Labor and Employment Article.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The sexual harassment prevention training requirement established under § 3–715.1(c) of the Labor and Employment Article, as enacted by Section 1 of this Act, may not be enforced until the Commissioner of Labor and Industry begins to provide sexual harassment prevention training and certifies a list of other providers of sexual harassment prevention training.

(b) Employees of an employer who were hired before June 1, 2025, shall complete the sexual harassment prevention training required under § 3–715.1(c) of the Labor and Employment Article, as enacted by Section 1 of this Act, in person or online on or before May 31, 2027.

(c) Each employer shall comply with § 3–715.1(f)(2)(i) of the Labor and Employment Article, as enacted by Section 1 of this Act, and distribute the policy to each employee on or before December 1, 2025”;

in line 9, strike “3.” and substitute “4.”; strike beginning with “, subject” in line 9 down through “Act,” in line 10; and strike beginning with the first “the” in line 10 down through “Maryland” in line 12 and substitute “June 1, 2025”.