

Favorable support HB536.pdf

Uploaded by: Ana Rodney

Position: FAV



Doula Alliance of Maryland
3/23/2026

Chair and Members of the Committee
Maryland General Assembly

RE: HB 536 – Employment Discrimination – Reasonable Accommodations – Disabilities Due to
Childbirth, Menopause, and Related Medical Conditions
Position: FAVORABLE

Dear Chair and Members of the Committee,

On behalf of the Doula Alliance of Maryland (DAM), I am writing to express our strong support for House Bill 536.

As a statewide coalition of doulas, birth workers, advocates, and community-based providers, we work at the intersection of maternal health, workforce sustainability, and reproductive justice. We see firsthand how gaps in workplace protections directly impact the health, recovery, and economic stability of the families we serve.

HB 536 is a critical and timely step forward. By expanding reasonable accommodation protections to include childbirth, menopause, and related medical conditions, this bill reflects the full spectrum of reproductive and hormonal health experiences that shape people's ability to safely remain in the workforce .

In our work, we regularly support individuals navigating postpartum recovery, lactation needs, and complex physical and emotional transitions after birth. Too often, these individuals return to work without the support they need—or leave the workforce altogether—because their needs are not recognized or accommodated. This is especially true for Black women and low-wage workers, who are disproportionately impacted by both maternal health inequities and workplace instability.

We are particularly supportive of provisions that:

- Require employers to engage in a good faith process to identify reasonable accommodations such as modified duties, adjusted schedules, or temporary transfers;
- Explicitly recognize lactation and menopause-related symptoms as conditions deserving of protection; and
- Maintain a balanced approach that considers employer operations while still prioritizing worker health and dignity.

From a maternal health perspective, this bill is not just about employment—it is about health outcomes, recovery, and long-term well-being. When individuals are supported during postpartum healing and other critical life transitions, we see better outcomes for parents, babies, and families overall.

HB 536 also aligns with Maryland's broader efforts to address maternal morbidity and mortality and to build a more equitable and sustainable care ecosystem. Workplace protections like these are a key part of that ecosystem.

The Doula Alliance of Maryland urges a favorable report on House Bill 536.
Thank you for your continued leadership and commitment to the health and well-being of Maryland families.

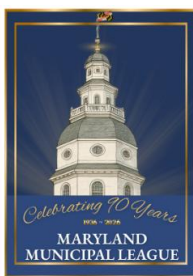
Sincerely,
Ana Rodney

Director of Advocacy and Public Policy
Doula Alliance of Maryland

HB 536 - MML - FAV - In Senate.pdf

Uploaded by: Bill Jorch

Position: FAV



TESTIMONY

COMMITTEE: Senate Judicial Proceedings

DATE: March 25, 2026

POSITION: Favorable

BILL: HB 536

The Maryland Municipal League (MML) supports House Bill 536: Employment Discrimination - Reasonable Accommodations - Disabilities Due to Childbirth, Menopause, and Related Medical Conditions.

HB 536 includes disabilities due to childbirth, menopause, or related medical conditions as they apply to several types of worker protections. Specifically, the bill accomplishes four main objectives:

1. Expressly adds childbirth, menopause and related medical conditions (including lactation and menopause related symptoms) to the definition of “reasonable accommodation” for which an employer must explore a range of accommodations (job duty changes, work hour changes, relocation, mechanical aids, transfers, or leave) when requested by an employee.
2. Requires that disabilities from childbirth, menopause, and related conditions be treated as temporary disabilities for all job-related purposes, including insurance and sick leave.
3. Mandates that employment policies (leave, reinstatement, benefits, etc.) apply equally to disabilities due to childbirth, menopause, or related conditions, as with other temporary disabilities.
4. Provides a basis for employers to determine if a transfer request under this framework is an undue burden.

These additional worker protections are in line with the original provisions put into law and strike a balance between worker needs and employer constraints. Expanding the pool of qualified and motivated workers benefits municipal governments and this bill may encourage some women to re-enter the workforce.

For these reasons, the League respectfully requests that the committee provide House Bill 536 with a favorable report.

For more information relating to this piece of testimony, please contact:

Bill Jorch: Managing Director, Advocacy and Public Policy, billj@mdmunicipal.org

Municipalities in Maryland support 42,000 jobs and provide \$5.2 billion in employee compensation.

HB0536_Employment_Discrimination_Reasonable_Accomm

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0536

Employment Discrimination - Reasonable Accommodations - Disabilities Due to Childbirth, Menopause, and Related Medical Conditions

Bill Sponsor: Delegate Smith

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0536 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Women make up over 51% of the workforce in Maryland. However, accommodations for medical issues that directly affect women are rare. This bill supports women by considering disabilities caused or contributed to by pregnancy [or], childbirth, menopause, or a related medical condition as temporary disabilities for all job-related purposes including under any health or temporary disability insurance or sick leave plan available in connection with employment.

Businesses will be required to make accommodations for pregnant women, women who have recently given birth, and women with other female medical issues the same way as they are applied to other temporary disabilities. Matters such as the commencement and duration of leave, the availability of extensions of leave, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, will be applied in the same way as someone with other medical conditions that are currently considered under temporary disability definition.

If we are to cultivate and retain our workforce, women should get as much consideration as men.

We strongly support this bill and recommend a **FAVORABLE** report in committee.

SEIU Local 500 Testimony in Support of HB 536 - Se

Uploaded by: Christopher Cano

Position: FAV



Testimony - HB 536,
Employment Discrimination - Reasonable Accommodations - Disabilities Due to
Childbirth, Menopause, and Related Medical Conditions
Favorable
Senate Judicial Proceedings Committee
March 25, 2026
Christopher C. Cano, MPA
Director of Political & Legislative Affairs on Behalf of SEIU Local 500

Honorable Chairman Smith & Members of the Senate Judicial Proceedings Committee:

SEIU Local 500 represents more than 20,000 working people across Maryland, including childcare providers, public school employees, and college faculty—workers who keep our communities running and our families supported every single day. A significant portion of our membership are women, many of whom will experience pregnancy, childbirth, menopause, or related medical conditions while working.

HB 536 is about dignity, fairness, and modernizing our workplace protections to reflect the realities of today's workforce.

Current law provides important protections for pregnancy-related conditions, but it does not go far enough. This bill closes a critical gap by explicitly extending reasonable accommodation protections to temporary disabilities related to childbirth, menopause, and associated medical conditions—such as lactation and the management of menopause symptoms. These are not rare or marginal experiences; they are common, predictable stages of life that should never jeopardize a worker's livelihood.

Too often, workers are forced to choose between their health and their paycheck. A childcare provider recovering from childbirth, a school employee managing severe menopause symptoms, or a worker needing time and space to express breast milk should not have to risk discipline, lost wages, or job insecurity simply for taking care of their bodies.

HB 536 ensures that workers can request reasonable accommodations—such as modified duties, adjusted schedules, temporary transfers, or leave—without fear of retaliation. It also provides clear guidance to employers, creating a fair and transparent process that balances worker needs with legitimate operational considerations.

Importantly, this bill maintains a reasonable standard by allowing employers to consider undue hardship, including operational impacts. This is not an unfunded mandate—it is a balanced approach that recognizes both the needs of workers and the realities of running a workplace.

For SEIU Local 500 members, especially our family childcare providers and education support professionals, these protections are essential. These workers often perform physically demanding labor in environments where flexibility is limited. Without clear legal protections, they are disproportionately vulnerable to being pushed out of the workforce at precisely the moment they need stability the most.

At its core, HB 536 is about equity. It acknowledges that women's health—and particularly life stages like menopause—has too often been ignored or stigmatized in workplace policy. By bringing these conditions into the framework of reasonable accommodations, Maryland has the opportunity to lead with fairness and common sense.

We urge the committee to issue a favorable report on House Bill 536.

Thank you for your time and consideration.

WC Support for HB 0536 .pdf

Uploaded by: Kionne Abdul-Malik

Position: FAV

Chair and Members of the Committee

Maryland General Assembly

RE: HB 536 – Employment Discrimination – Reasonable Accommodations – Disabilities Due to Childbirth, Menopause, and Related Medical Conditions

Position: FAVORABLE

Dear Chair and Members of the Committee,

On behalf of the Baltimore City Women’s Commission, we are writing to express our strong support for House Bill 536, which expands employment protections to include reasonable accommodations for temporary disabilities related to childbirth, menopause, and related medical conditions.

This legislation represents an important and necessary step toward advancing workplace equity and health protections for women and those assigned female at birth across Maryland. By explicitly including childbirth, menopause, and related medical conditions within existing reasonable accommodation protections, HB 536 acknowledges the full continuum of reproductive and hormonal health experiences that impact women’s ability to safely and sustainably participate in the workforce.

For many women, particularly Black and Brown women and women in low-wage or physically demanding jobs, these conditions can significantly affect their health, economic stability, and job retention. Without clear protections, workers are often forced to choose between their health and their livelihood. HB 536 helps to eliminate this impossible choice by ensuring that temporary conditions such as postpartum recovery, lactation needs, and menopause-related symptoms are treated with the same dignity and accommodation as other temporary disabilities.

We are particularly encouraged by provisions that:

- Require employers to engage in an interactive process to identify reasonable accommodations, such as modified duties, schedule adjustments, or temporary transfers;
- Clarify that related medical conditions include lactation and menopause-related symptoms, which have historically been overlooked in workplace policy; and
- Maintain a balanced approach by allowing employers to consider operational impacts when determining undue hardship.

This bill aligns with the Baltimore City Women’s Commission’s commitment to advancing gender equity, improving maternal and reproductive health outcomes, and supporting policies that strengthen women’s economic security. It also reflects a broader understanding that workplace protections must evolve to meet the real and lived experiences of today’s workforce.

By passing HB 536, Maryland has the opportunity to lead with compassion, equity, and evidence-informed policy that supports workers across the lifespan.

We respectfully urge a favorable report on House Bill 536.

Sincerely,

Baltimore City Women’s Commission

HB0536-JPR-SUPP.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB0536

March 25, 2026

TO: Members of the Senate Judicial Proceedings Committee

FROM: Nina Themelis, Director, Mayor's Office of Government Relations

RE: House Bill 536 – Employment Discrimination - Reasonable Accommodations - Disabilities Due to Childbirth, Menopause, and Related Medical Conditions

POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill (HB) 536.

HB 536 would expand state employment discrimination protections to include temporary disabilities caused by or contributed to by childbirth, menopause, lactation, or vasomotor symptom management. Under the bill, reasonable accommodation regarding temporary disabilities caused or contributed to by the aforementioned factors may include transfer to a less strenuous or hazardous position, so long as it does not pose an undue burden on the employer. An employer may consider the availability of other personnel to cover the transferred employee's duties and the cost/feasibility of temporary coverage when determining whether the burden is undue.

HB 536 ensures that all reproductive and hormonal-related health conditions resulting in temporary disabilities, especially those that are historically overlooked by employers, are afforded the same workplace accommodations currently afforded to only select reproductive health conditions, such as pregnancy and postpartum conditions. This bill will provide that all women and birthing persons can equitably access workplace accommodations, health plan benefits, and temporary disability insurance without discrimination or regard to the specific reproductive and hormonal health-related temporary disability an individual is experiencing.

In alignment with the intention of the legislation to ensure workplaces more appropriately recognize and accommodate the needs of women and birthing persons, in 2018, the City of Baltimore enacted mandatory employer accommodations for lactation in Article 11, Division II, Subtitle 16 of the Baltimore City Code. This included the required provision of break time and a safe, clean, and limited-access location.

For the above-stated reasons, the BCA respectfully requests a **favorable** report on House Bill 536.

HB0536 crossover bill - FAV - Reasonable Accommoda

Uploaded by: Richard KAP Kaplowitz

Position: FAV

HB0536_CrossoverBill
RichardKaplowitz_FAV
03/25/2026
Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON CROSSOVER BILL HB#0536- POSITION:
FAVORABLE

Employment Discrimination - Reasonable Accommodations - Disabilities Due to Childbirth, Menopause, and Related Medical Conditions

TO: Chair Smith, Jr., Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of crossover bill HB#0536, **Employment Discrimination - Reasonable Accommodations - Disabilities Due to Childbirth, Menopause, and Related Medical Conditions**

This bill will require employers to post in a conspicuous location, and include in any employee handbook, information concerning an employee's rights to reasonable accommodations and leave for a disability caused or contributed to by pregnancy, childbirth, menopause, or a related medical condition.

It calls for "reasonable accommodation" which means an accommodation for an employee's disability caused or contributed to by pregnancy, childbirth, menopause, or a related medical condition; and that does not impose an undue hardship on the employee's employer. It defines "related medical condition" to include:

- lactation or the need to express breast milk for a nursing child
- the need to manage the effects of vasomotor symptoms related to menopause
- disabilities caused or contributed to by pregnancy [or], childbirth, menopause, or a related medical condition

They will be considered as temporary disabilities for all job-related purposes; and shall be treated as temporary disabilities under any health or temporary disability insurance or sick leave plan available in connection with employment.

The bill will expand certain protections against employment discrimination to apply to temporary disabilities caused or contributed to by childbirth, menopause, or a related medical condition; and authorize an employer to consider the operational impact of any staffing gap in determining an undue burden imposed by a certain transfer request by an employee.

I respectfully urge this committee to return a favorable report on crossover bill HB#0536.

2025 WLC HB 536 Senate Side.pdf

Uploaded by: Robyn Elliott

Position: FAV

Committee: Senate Judicial Proceedings Committee

Bill: Senate Bill 536 – Employment Discrimination – Reasonable Accommodations – Disabilities due to Childbirth, Menopause, and Related Medical Conditions

Hearing Date: March 25, 2026

Position: Support

The Women's Law Center of Maryland supports *Senate Bill 536 – Employment Discrimination – Reasonable Accommodations – Disabilities due to Childbirth, Menopause, and Related Medical Conditions*. The bill extends Maryland's employment law on reasonable accommodation for pregnancy to also include conditions related to childbirth and menopause. We support this legislation because it promotes the economic security of women and builds upon best practices for employers.

We ask for a favorable report. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net or (443) 926-3443.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.

2026 ACNM HB 536 Senate Side.pdf

Uploaded by: Robyn Elliott

Position: FAV



Committee: Senate Judicial Proceedings Committee

Bill: House Bill 536 - Employment Discrimination - Reasonable Accommodations - Disabilities Due to Childbirth, Menopause, and Related Medical Conditions

Hearing Date: March 25, 2026

Position: Support

The Maryland Affiliate of the American College of Nurse Midwives (ACNM) strongly supports *House Bill 536 - Employment Discrimination - Reasonable Accommodations - Disabilities Due to Childbirth, Menopause, and Related Medical Conditions*. The bill requires Maryland employers to make reasonable accommodations for conditions related to childbirth and menopause. ACNM supports this legislation because it advances the health and economic wellbeing of Marylanders. Women remain at a disadvantage because workplaces do not adequately accommodate the needs of people going through pregnancy or menopause.ⁱ States like Rhode Island are beginning to update their workplace accommodation laws.ⁱⁱ

We ask for a favorable report. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net or (443) 926-3443.

ⁱ <https://pmc.ncbi.nlm.nih.gov/articles/PMC11784698/>

ⁱⁱ <https://www.disabilityleavelaw.com/2025/08/articles/uncategorized/rhode-island-first-in-nation-to-require-accommodation-of-employees-menopause-effective-immediately/>

Delegate Stephanie Smith HB536 Testimony Senate.pdf

Uploaded by: Stephanie Smith

Position: FAV

STEPHANIE SMITH
Legislative District 45
Baltimore City

Appropriations Committee

Subcommittees

Capital Budget

Chair, Education and Economic
Development

Racing and Sports Facilities

Joint Audit and Evaluation Committee

Joint Committee on Children,
Youth, and Families



The Maryland House of Delegates
6 Bladen Street, Room 307
Annapolis, Maryland 21401
410-841-3486
800-492-7122 Ext. 3486
Stephanie.Smith@house.maryland.gov

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

**HB536- Employment Discrimination- Reasonable Accommodation- Disabilities Due to
Childbirth, Menopause, and Related Medical Conditions**

Hearing: March 26, 2026, 1:00pm

Chair Senator Will Smith, Jeff Waldstreicher

Judicial Proceedings

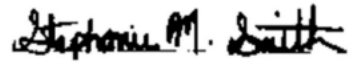
House Bill 536 addresses a gap in Maryland’s employment law by aligning workplace protections with the medical realities of certain temporary health conditions. Maryland acknowledges that pregnancy and postpartum recovery require reasonable workplace accommodations. House Bill 536 builds on that existing framework by making clear that temporary disabilities caused or contributed to childbirth, vasomotor symptoms associated with menopause, or related medical conditions are entitled to the same employment protections already afforded to pregnancy and postpartum recovery.

This bill does not create new benefits or impose new mandates on employers. Instead, it ensures that these conditions are treated as temporary disabilities under existing health benefits, temporary disability insurance, and sick leave plans available in connection with employment. In doing so, it prevents discrimination that occurs simply because these medical conditions have historically gone unrecognized in workplace policy.

In summary, House Bill 536 brings Maryland’s employment law into alignment with medical reality and existing workplace standards. By clarifying that temporary disabilities related to childbirth, menopause, and related medical conditions are entitled to the same protections long afforded to pregnancy and postpartum recovery; this bill promotes fairness, consistency, and workplace stability. It ensures that workers are supported through temporary health related limitations rather than penalized for them, while giving

employers clear workplace guidance. House Bill 536 is a commonsense approach to employment protections and strengthens Maryland's workforce.

For these reasons, I strongly urge a favorable report.

A handwritten signature in black ink that reads "Stephanie M. Smith". The signature is written in a cursive style with a clear, legible font.

Delegate Stephanie Smith

HB0536-Reason Accom-Disab Due to Childbirth, Menop

Uploaded by: S. Spencer Dove

Position: FWA



State of Maryland Commission on Civil Rights

Respect...Integrity...Effective Communication

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**Education and
Outreach Director**
Candice Crenshaw

March 25, 2026

**House Bill 536 – Employment Discrimination - Reasonable Accommodations -
Disabilities Due to Childbirth, Menopause, and Related Medical Conditions**
Position: Support with Amendments

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for enforcing Maryland’s laws prohibiting discrimination in employment, housing, public accommodations, state contracts, commercial leasing, and health services based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, source of income, and military status.

House Bill 536 adds “menopause” and “related medical condition” to existing protections for employees that experience temporary disabilities due to pregnancy or childbirth. Under the bill, “related medical condition” is defined as including (1) lactation or the need to express breast milk for a nursing child; and (2) the need to manage the effects of vasomotor symptoms related to menopause.

These protections are critical for women who continue to experience severe discrimination in the workplace. According to MCCR’s Annual Reports, the Commission received 14 complaints (in FY2024) and 11 complaints (in FY2025) alleging unlawful employment discrimination based on pregnancy. At the same time, disability was the third most identified protected class in employment discrimination complaints in both FY2024 and FY2025. Finally, complaints alleging unlawful employment discrimination based on sex-female were 71% in FY2024, and rose to 85% in FY2025. HB536 fills a gap within existing employment anti-discrimination laws for a constituency that is in dire need of protections.

By way of amendments, when HB536 was on second reader in the House of Delegates, the bill was amended¹ to authorize an employer to consider operational impacts when determining if an employee’s reasonable accommodation request to transfer locations would create an undue burden on the employer. **Respectfully, MCCR asks for this amendment to be removed from the bill.** First, the

¹ Amendment HB0536/223427/1:

https://mgaleg.maryland.gov/2026RS/amds/bil_0006/HB0536_22342701.pdf

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

amendment is not necessary because the added language has been existing statutory² and case law, including in MCCR's regulations³, for decades.

Second, MCCR is concerned that the added language within this one subsection of disabilities protections could create confusion for both employers and employees. Because any reasonable accommodation request to transfer work locations may be denied if an employer can establish that it creates an undue burden, the added language may suggest to employers and employees both that you can only request a transfer if it is connected to a temporary disability caused or contributed to by pregnancy, childbirth, menopause, or a related medical condition.

For these reasons, the Maryland Commission on Civil Rights urges a favorable with amendment vote on HB536. Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to promote and improve civil rights in Maryland.

² See Md. Code Ann. State Gov. Art. § 20-603(2) – “This subtitle does not require an employer to reasonably accommodate an employee's religion or disability, or an applicant for employment's disability, if the accommodation would cause undue hardship on the conduct of the employer's business.” (*emphasis added*)

³ See COMAR 14.03.02.05.B(5) – “Examples of a reasonable accommodation include, but are not limited to: Reassigning or transferring an employee to a vacant position, light duty job, different work location, or other alternative employment opportunity which is available under the employer's existing policies or practices”. (*emphasis added*)

HB 0536 – Employment Discrimination - Reasonable A

Uploaded by: Danna Blum

Position: UNF



Date: February 3, 2026

Government, Labor, and Elections
Delegate Melissa Wells
145 Lowe
House Office Building
Annapolis, MD 21401

Re: HB 0536 – Employment Discrimination - Reasonable Accommodations - Disabilities Due to Childbirth, Menopause, and Related Medical Conditions – Oppose

Dear Delegate Wells:

HB 536 would add menopause to the list of conditions considered disabilities and require workplace reasonable accommodations.

Rhode Island is the only state to mandate reasonable workplace accommodations for employees experiencing menopause-related conditions. Employers must provide accommodations—such as modified schedules, temperature control, or, for example, more frequent breaks—for symptoms like hot flashes or fatigue, unless it causes undue hardship.

Providing such accommodations as those listed will be difficult in multi-employee workspaces. Accuracy of physician certifications is already challenging, but will be more so with a “disability” that can be quite variable from woman to woman.

In addition, the requirement that menopause “shall be treated as temporary disabilities under any health or temporary disability insurance or sick leave plan available in connection with employment.” is problematic. Menopause is not considered a disability under the ADA. Requiring it to be covered will likely be more expensive. In addition, legal challenges to the need to provide reasonable accommodation for an unlisted disability are likely.

The Carroll County Chamber of Commerce, a business advocacy organization of nearly 700 members, opposes this bill. We therefore request that you give this bill an unfavorable report.

Sincerely,

A handwritten signature in black ink that reads "Mike McMullin".

Mike McMullin
President

Carroll County Chamber of Commerce • 9 East Main Street • Westminster, MD 21157
Phone: 410-848-9050 • Fax: 410-876-1023 • www.carrollcountychamber.org



Carroll County Chamber of Commerce

CC: Delegate Chris Tomlinson
Senator Justin Ready

UNFAVORABLE.HB536.LauraBogley.MDRTL.pdf

Uploaded by: Laura Bogley

Position: UNF



OPPOSITION STATEMENT

HB536 - Employment Discrimination - Reasonable Accommodations - Disabilities Due to Childbirth, Menopause, and Related Medical Conditions Public Institutions of Higher Education – Pregnant and Parenting Students – Plan & Reporting

Laura Bogley, JD
Executive Director, Maryland Right to Life

We Strongly Oppose Abortion Mandates on Employers

Maryland Right to Life (MDRTL) supports any public policy that enables and empowers women and men to choose life for their preborn children. We applaud any sincere effort to create a professional working environment and culture that supports employees in their decision to become parents and provides reasonable accommodations to ensure healthy birth and delivery outcomes.

However, we must oppose this bill that would impose unlawful abortion mandates on employers to accommodate and fund elective abortions, including through employer-funded health insurance and leave plans, without regard for the employer's religious liberties or rights of conscience.

These abortion mandates on employers have been overturned by federal courts and rejected by legislative and executive actions.

The State of Maryland already is under federal investigation and facing sanctions for violation of the Weldon Amendment, by requiring private insurance and state-regulated plans to cover abortion. Maryland must provide an employer "opt-out" based on conscience or have federal Medicaid dollars withheld.

Maryland taxpayers should not be forced to fund the State of Maryland's ongoing lawfare against our popularly-elected President, especially in light of the State's embarrassing budget deficit.

HB 536 Imposes Antiquated Abortion Mandates on Employers

HB 536 is yet another attempt to codify since-repealed extreme abortion mandates in Maryland, including rejected political interpretations of Title VII of the Civil Rights Act of 1964 and the federal **Pregnant Workers Fairness Act (PWFA)**, which was hijacked by abortion activists **despite legislative intent that specifically excluded application of the law to elective abortion.**

Maryland law already requires accommodations for pregnancy and childbirth. Adding "related medical conditions" i.e. *termination of pregnancy*, is an attempt to undermine post-*Roe* federal law and judicial precedent including the recent federal court ruling in *Louisiana & Mississippi v. EEOC* (2025) that struck

down the Biden EEOC's misinterpretation of the PWFA which wrongly included elective abortion.

As of **March 2026**, the case of *Louisiana & Mississippi v. EEOC* has effectively dismantled the federal abortion accommodation mandate under the PWFA. A U.S. District Court **vacated** the portions of the EEOC's "Final Rule" that required employers to accommodate elective abortions.

In rejecting the EEOC's rule, federal courts have consistently distinguished between "elective abortions" (which they are striking down) and "medical terminations" (such as for miscarriage or ectopic pregnancies), which remain protected under the PWFA.

The bill expands the definition of "temporary disabilities" that employers must accommodate under Maryland's anti-discrimination laws to include accommodations for elective abortions, which are never medically necessary. It would affect employers in the following ways:

- **Incorporation of Rejected Federal "Abortion" Definitions:** By using the term "related medical condition," the bill attempts to burden Maryland law with antiquated *Roe v. Wade*, abortion language used in Title VII regulations attached to the Civil Rights Act of 1964. The Biden Equal Employment Opportunity Commission (EEOC), also relied on this antiquated language in applying the federal *Pregnant Workers Fairness Act* (PWFA) to elective abortions, despite Congressional legislative intent to the contrary.
- **Mandatory Leave for Abortion:** Under HB 536, an employer would be required to provide "reasonable accommodations"—which explicitly includes **granting leave**—to an employee seeking an elective abortion, as it would be classified as a "related medical condition."
- **Expansion of Liability:** The bill makes it an "unlawful employment practice" for an employer to deny these accommodations. This means a pro-life business owner or religious nonprofit could face lawsuits, back-pay penalties, and administrative fines if they refuse to facilitate an employee's abortion through workplace accommodations.
- **Mandatory "Rights" Postings:** Employers would be required to post notices in the workplace and include language in employee handbooks informing staff of their right to these accommodations, effectively forcing pro-life employers to advertise for abortion-related leave.

However the bill does not contain a conscience clause to protect the rights of employers, including faith-based employers and hospitals who do not want to participate in or fund abortion. It forces religious hospitals, charities, and private business owners to become "complicit" in an act they find morally reprehensible. By requiring them to facilitate the logistics of an abortion (via leave or scheduling), the state is infringing on the **Free Exercise Clause** of the First Amendment and once again, violating the federal Weldon Amendment.

Courts Reject EEOC Abortion Mandates on Employers

The current legal and legislative debate surrounding Title VII and the **Pregnant Workers Fairness Act (PWFA)** centers on the Equal Employment Opportunity Commission's (EEOC) "Final Rule." This rule interpreted the term "related medical conditions" to include elective abortion, effectively requiring employers to provide accommodations (such as leave) for the procedure.

Pro-life advocates, religious organizations, and several state attorneys general have mounted significant opposition, arguing that this mandate exceeds federal authority and violates conscience rights.

Arguments against codifying abortion accommodations under Title VII and the PWFA generally fall into three categories:

1. Statutory "Hijacking" and Legislative Intent

Maryland Right to Life issued warnings to National Right to Life, the U.S. Conference of Catholic Bishops (USCCB), and the Maryland Catholic Conference that the *Pregnant Workers Fairness Act* would be used to impose abortion mandates on employers. Unfortunately, the USCCB continued to promote the legislation, resulting in litigation. While the bishops maintained that the PWFA was a bipartisan "pro-life" law designed to help women stay in the workforce while having **healthy pregnancies and babies**, we warned that the Biden administration would interpret the law within the existing context of Title VII of the Civil Rights Act of 1964, which still contains antiquated *Roe* abortion language to include the "pregnancy related conditions", i.e. abortion.

The bishops argued that the text of the PWFA never mentions "abortion" and the EEOC "hijacked" the law by adding abortion through the back door of administrative rulemaking. They also cited that during floor debates, key sponsors (such as Senator Bob Casey, D-PA) explicitly stated that the PWFA could not be used by the EEOC to mandate abortion leave. Unfortunately as we warned the bishops, the EEOC ignored this legislative history.

2. Infringement on Religious Liberty and Conscience

Religious employers, particularly Catholic organizations, argue that being forced to "accommodate" an elective abortion makes them complicit in an act that contradicts their core moral teachings. Requiring an employer to grant leave specifically for an abortion—and potentially barring them from speaking about pro-life alternatives to the employee—is viewed as a violation of the **First Amendment** and the **Religious Freedom Restoration Act (RFRA)**.

3. Federalism and State Sovereignty

States with strict pro-life laws (like Mississippi and Louisiana) argue that the federal government is attempting to nullify their state-level protections for the unborn. By requiring state agencies to accommodate abortions, the federal government is forcing states to facilitate a practice they have legally restricted or banned following the *Dobbs* decision that overturned *Roe v. Wade*.

Louisiana & Mississippi v. EEOC

As of **March 2026**, the case of *Louisiana & Mississippi v. EEOC* has resulted in a significant legal victory for the plaintiff states, effectively dismantling the federal abortion accommodation mandate under the Pregnant Workers Fairness Act (PWFA).

1. Current Status: In Effect (Vacated)

The mandate is **no longer in effect**. On **May 21, 2025**, Judge David Joseph of the U.S. District Court for the Western District of Louisiana issued a final ruling that **vacated** (cancelled) the portions of the EEOC's "Final Rule" that required employers to accommodate elective abortions.

Because the court **vacated** the rule itself (rather than just enjoining it for specific parties), many legal analysts argue the EEOC is currently prohibited from enforcing the "elective abortion" provision **anywhere in the U.S.**

- **Finality:** Unlike the preliminary injunction from 2024, which only "paused" the rule, the 2025 vacatur is a final judgment on the merits.

- **The Ruling:** The court held that the EEOC exceeded its statutory authority by "hijacking" the PWFA to include elective abortion, which was never mentioned in the law's text.
- **Administration Stance:** Since the transition in January 2025, the **Department of Justice (DOJ)** under the Trump administration has declined to appeal this ruling, effectively letting the vacatur stand.

2. Other Related Activity

While the 5th Circuit remains the primary battleground, the **8th Circuit** (covering states like Arkansas, Missouri, and Iowa) is currently reviewing *Tennessee v. EEOC*. In February 2025, that court ruled that 17 additional states have "standing" to challenge the rule, which could lead to a second, reinforcing blow against the mandate later this year.

HB 536 Conflicts with Federal Legislative and Executive Activity

Since the beginning of 2025, the Trump administration has moved to dismantle the Biden-era EEOC mandate requiring abortion-related accommodations. The efforts have focused on shifting the leadership and procedural rules of the **Equal Employment Opportunity Commission (EEOC)** and leveraging the **Department of Justice (DOJ)** to defend employer conscience rights.

1. Regulatory Rollbacks and EEOC Restructuring

The administration has effectively neutralized the EEOC's "Final Rule" on the Pregnant Workers Fairness Act (PWFA) through personnel and procedural changes.

- **Leadership Change:** On January 20, 2025, **Andrea Lucas** was appointed Acting Chair of the EEOC. Lucas had been a vocal dissenter of the original 2024 rule, arguing that "related medical conditions" was never intended by Congress to include elective abortion.
- **Congressional Challenges:** Various "Resolution of Disapproval" efforts under the **Congressional Review Act (CRA)** have been introduced to permanently strike the abortion-related provisions from the EEOC's regulatory code.
- **Rescinding Voting Procedures:** In January 2026, the Republican-majority Commission voted 2-1 to scrap internal voting procedures established late in the Biden administration. This allows Chair Lucas to **fast-track the rescission** of the 2024 PWFA regulations and Harassment Guidance without prolonged public comment periods or internal delays.
- **Narrowing the Definition:** The administration is currently working to replace existing guidance to explicitly exclude "elective abortion" while maintaining protections for "biological" conditions like miscarriage, stillbirth, and lactation.

2. Executive Orders on "Biological Truth" and Faith

The President has issued several executive orders that provide a legal framework for employers to bypass reproductive health mandates.

- **EO 14168 (January 20, 2025):** Titled *"Defending Women from Gender Ideology Extremism and Restoring Biological Truth,"* this order directed all federal agencies, including the EEOC, to align their guidance with a biological definition of sex. This has been used as the primary legal justification for removing **"abortion"** and "gender-affirming care" from the list of required medical accommodations.
- **Establishment of the Religious Liberty Commission:** Created on May 1, 2025, under the DOJ, this commission is tasked with identifying and "securing" the rights of Americans of faith. It has held

multiple hearings (most recently in March 2026) focusing on protecting healthcare providers and business owners from being forced to facilitate abortions against their conscience.

3. Targeted Investigations of State Mandates (The Weldon Amendment)

In a major shift, the administration has begun using federal enforcement to pressure states that require private insurance to cover abortion, including the State of Maryland.

- **The 13-State Investigation:** On **March 19, 2026**, the Department of Health and Human Services (HHS) launched formal investigations into 13 states (including **Maryland**, California, and New York) that mandate abortion coverage in state-regulated health plans. The administration argues these states are violating the **Weldon Amendment**, a federal provision that bars states receiving federal funds from "discriminating" against health entities (including employers) that refuse to provide, cover, or refer for abortions. If these states do not allow for an employer "opt-out" based on conscience, the administration has threatened to withhold federal Medicaid dollars.

4. Judicial "Non-Defense" Strategy

The Department of Justice has shifted its stance in ongoing litigation, often choosing not to defend the Biden-era mandates in court.

- **Vacating the PWFMA Mandate:** In May 2025, following a lawsuit by Louisiana and Mississippi, a federal court vacated the EEOC's elective abortion mandate. The Trump administration chose **not to appeal** this ruling, effectively allowing the mandate to remain dead in those jurisdictions and signaling to other courts that the executive branch no longer supports the rule.
- **Pardoning Pro-Life Activists:** In January 2025, the President pardoned 23 individuals convicted under the FACE Act (Freedom of Access to Clinic Entrances), signaling a broader policy shift toward protecting pro-life advocacy over clinic access enforcement.

Abortion is not healthcare

Abortion is not healthcare. It is violence and brutality that ends the lives of unborn children through suction, dismemberment or chemical poisoning. The fact that 85% of OB-GYNs in a representative national survey do not perform abortions on their patients is glaring evidence that abortion is not an essential part of women's healthcare.

Recent acts of abortion activists occupying the Maryland General Assembly have completely removed abortion from the spectrum of healthcare. As a result of the *Abortion Care Access Act* of 2022, sponsored by Delegate Ariana Kelly (D-Montgomery), a former NARAL employee, poor women will be deprived access to care through a licensed physician. To the detriment of women's reproductive health, the state is now allowing any "certified provider of abortion care" to perform or provide both surgical and chemical abortion through birth.

Combine this with the fact that nearly 75% of abortions are now "Do-It-Yourself" abortions where women are remotely prescribed dangerous abortion pills without a physician's examination and are left to hemorrhage

alone until their bodies forcefully expel their babies' bodies, and the argument that abortion is healthcare is completed discredited.

Abortion is a Failed Policy

Nearly fifty years of federal abortion mandates on the state have failed to cure the underlying socio-economic challenges women face in raising their families. The abortion industry has failed to reduce pregnancies, but only reduced the number of *live births*. In fact, the number of abortions has increased proportionately with the increase in public funding for abortion businesses.

Planned Parenthood and their network of organizations are financially invested in unplanned pregnancies that increase abortion profits. They cannot be trusted to instruct children and young adults in human reproduction and sexuality or to promote their abortion business under the guise of student "health".

The fact that the number of abortions is highest among college-aged students, demonstrates that decades of public funding to abortion activists in Maryland k-12 public education, has failed to prepare our youth with sound family planning practices. Throwing additional public funding toward the multi-billion dollar abortion industry's failed practices, is not sound fiscal policy and harms those most in need of quality maternal health care options.

Disparate Impact Statement: Abortion is having a genocidal impact on Black Marylanders

Abortion has a disproportionate impact on Black Americans who have long been targeted by the abortion industry for eugenics purposes. Even today 78% of abortion clinics are located in minority communities. As a result abortion violence has become the leading killer of Black lives, more than gun violence and all other causes combined. More than half of all pregnancies to Black women in Baltimore City end through abortion violence.

The state fails to measure or report the correlation between the increased use of abortion with increased risk to maternal mortality, infertility, miscarriage, pre-term births for Black mothers. This makes any argument that abortion is healthcare a morally repugnant call for state-sponsored genocide of Black children in Maryland.

For these reasons we respectfully urge you to issue an unfavorable report on this bill and encourage the sponsor to introduce a bill that ensures that pregnant employees are empowered to choose life for their children and enjoy healthy birth and delivery outcomes.