

Chapter 474

(Senate Bill 531)

AN ACT concerning

Discrimination – ~~Definition of on the Basis of~~ Definition of Race – Hair Texture and Hairstyles

FOR the purpose of defining “race”, for the purposes of certain laws prohibiting discrimination, to include certain traits ~~historically~~ associated with race, including hair texture and certain hairstyles; defining “protective hairstyle”; ~~authorizing an employer to establish and require an employee to adhere to certain standards that are directly related to the nature of the employment of the employee and that are not precluded by any provision of State or federal law, subject to a certain exception;~~ and generally relating to discrimination and the definition of “race”.

BY repealing and reenacting, with amendments,
Article – State Government
Section 20–101 ~~and 20–605~~
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

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

Article – State Government

20–101.

- (a) In Subtitles 1 through 11 of this title the following words have the meanings indicated.
- (b) “Commission” means the Commission on Civil Rights.
- (c) “Complainant” means a person that files a complaint alleging a discriminatory act under this title.
- (d) “Discriminatory act” means an act prohibited under:
 - (1) Subtitle 3 of this title (Discrimination in Places of Public Accommodation);
 - (2) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated by Maryland Department of Labor);

- (3) Subtitle 5 of this title (Discrimination in Leasing of Commercial Property);
- (4) Subtitle 6 of this title (Discrimination in Employment);
- (5) Subtitle 7 of this title (Discrimination in Housing); or
- (6) Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory Act; Obstructing Compliance).

(e) “Gender identity” means the gender-related identity, appearance, expression, or behavior of a person, regardless of the person’s assigned sex at birth, which may be demonstrated by:

- (1) consistent and uniform assertion of the person’s gender identity; or
- (2) any other evidence that the gender identity is sincerely held as part of the person’s core identity.

(F) “PROTECTIVE HAIRSTYLE” MEANS A HAIRSTYLE DESIGNED TO PROTECT THE ENDS OF THE HAIR BY DECREASING TANGLING, SHEDDING, AND BREAKAGE, INCLUDING INCLUDES BRAIDS, TWISTS, AND LOCKS.

(G) “RACE” INCLUDES TRAITS HISTORICALLY ASSOCIATED WITH RACE, INCLUDING HAIR TEXTURE, AFRO HAIRSTYLES, AND PROTECTIVE HAIRSTYLES.

[(f)] (H) (1) “Respondent” means a person accused in a complaint of a discriminatory act.

(2) “Respondent” includes a person identified during an investigation of a complaint and joined as an additional or substitute respondent.

[(g)] (I) “Sexual orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

~~20-605.~~

~~(a) Notwithstanding any other provision of this subtitle, this subtitle does not prohibit:~~

~~(1) an employer from hiring and employing employees, an employment agency from classifying or referring for employment any individual, a labor organization from classifying its membership or classifying or referring for employment any individual, or an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs from admitting or employing any~~

~~individual in a program, on the basis of the individual's sex, age, religion, national origin, or disability, if sex, age, religion, national origin, or disability is a bona fide occupational qualification reasonably necessary to the normal operation of that business or enterprise;~~

~~(2) an employer from establishing and requiring an employee to adhere to reasonable workplace appearance, grooming, and dress standards that are directly related to the nature of the employment of the employee and that are not precluded by any provision of State or federal law, as long as the employer allows any employee to appear, groom, and dress consistent with the employee's gender identity;~~

~~(3) a school, college, university, or other educational institution from hiring and employing employees of a particular religion, if:~~

~~(i) the institution is wholly or substantially owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society; or~~

~~(ii) the curriculum of the institution is directed toward the propagation of a particular religion; [or]~~

~~(4) except as provided in subsection (b) of this section, an employer, employment agency, or labor organization from observing the terms of a bona fide seniority system or any bona fide employee benefit plan, such as a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this subtitle; OR~~

~~(5) AN EMPLOYER FROM ESTABLISHING, AND REQUIRING AN EMPLOYEE TO ADHERE TO, REASONABLE WORKPLACE APPEARANCE AND GROOMING STANDARDS THAT ARE DIRECTLY RELATED TO THE NATURE OF THE EMPLOYMENT OF THE EMPLOYEE AND THAT ARE NOT PRECLUDED BY ANY PROVISION OF STATE OR FEDERAL LAW, AS LONG AS THE EMPLOYER ALLOWS THE EMPLOYEE TO APPEAR AND GROOM IN A MANNER THAT IS CONSISTENT WITH THE EMPLOYEE'S RACE.~~

~~(b) An employee benefit plan may not excuse the failure to hire any individual.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.