

HOUSE BILL 1422

D5, C9, P4

4lr1559
CF SB 914

By: **Delegates S. Johnson and A. Johnson**

Introduced and read first time: February 9, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Human Relations – Protections Against Discrimination – Genetic Procedures**

3 FOR the purpose of prohibiting discrimination based on an individual’s refusal to undergo
4 a genetic procedure in education public accommodations, commercial leasing,
5 housing, and employment and by certain licensed or regulated persons; and
6 generally relating to discrimination based on an individual’s refusal to undergo a
7 genetic procedure.

8 BY renumbering

9 Article – State Government
10 Section 20–101(f) through (i)
11 to be Section 20–101(h) through (k), respectively
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2023 Supplement)

14 BY adding to

15 Article – Education
16 Section 26–704.1
17 Annotated Code of Maryland
18 (2022 Replacement Volume and 2023 Supplement)

19 BY adding to

20 Article – State Government
21 Section 20–101(f) and (g)
22 Annotated Code of Maryland
23 (2021 Replacement Volume and 2023 Supplement)

24 BY repealing and reenacting, without amendments,

25 Article – State Government
26 Section 20–301, 20–601(a), and 20–703
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2021 Replacement Volume and 2023 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article – State Government

4 Section 20–302, 20–304, 20–401, 20–402, 20–501, 20–601(h), 20–602, 20–603,
5 20–606, 20–610(b) and (c), 20–702(a), 20–705, 20–707(b) and (c), and
6 20–1103(b)

7 Annotated Code of Maryland

8 (2021 Replacement Volume and 2023 Supplement)

9 BY repealing and reenacting, with amendments,

10 Article – State Personnel and Pensions

11 Section 2–302

12 Annotated Code of Maryland

13 (2015 Replacement Volume and 2023 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That Section(s) 20–101(f) through (i) of Article – State Government of the Annotated Code
16 of Maryland be renumbered to be Section(s) 20–101(h) through (k), respectively.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
18 as follows:

19 **Article – Education**

20 **26–704.1.**

21 **(A) THIS SECTION APPLIES TO:**

22 **(1) A COUNTY BOARD;**

23 **(2) A PUBLIC PREKINDERGARTEN PROGRAM;**

24 **(3) A PRIMARY OR SECONDARY SCHOOL;**

25 **(4) A NONPUBLIC PREKINDERGARTEN PROGRAM THAT RECEIVES**
26 **STATE FUNDS;**

27 **(5) A NONPUBLIC PRIMARY OR SECONDARY SCHOOL THAT RECEIVES**
28 **STATE FUNDS; AND**

29 **(6) AN INSTITUTION OF HIGHER EDUCATION.**

1 **(B) AN ENTITY SUBJECT TO THIS SECTION MAY NOT DISCRIMINATE AGAINST**
2 **ANY INDIVIDUAL BECAUSE OF THE INDIVIDUAL'S REFUSAL TO UNDERGO A GENETIC**
3 **PROCEDURE.**

4 **Article – State Government**

5 20–101.

6 **(F) “GENETIC MATERIALS” MEANS:**

7 **(1) DEOXYRIBONUCLEIC ACID, RIBONUCLEIC ACID, CHROMOSOMES,**
8 **OR GENES WHICH MAY BE ANALYZED TO:**

9 **(I) DETECT HERITABLE DISEASES OR CONDITIONS;**

10 **(II) IDENTIFY CARRIERS; OR**

11 **(III) ESTABLISH A CLINICAL DIAGNOSIS; OR**

12 **(2) PROTEINS, ENZYMES, OR OTHER MOLECULES ASSOCIATED WITH A**
13 **GENETIC PROCESS WHICH MAY BE MODIFIED, REPLACED IN WHOLE OR IN PART,**
14 **SUPERSEDED, OR BYPASSED IN FUNCTION BY A HEALTH OR MEDICAL PROCEDURE.**

15 **(G) “GENETIC PROCEDURE” MEANS A THERAPY, TREATMENT, OR MEDICAL**
16 **PROCEDURE THAT MAY:**

17 **(1) ADD, REMOVE, ALTER, ACTIVATE, CHANGE, OR CAUSE MUTATION**
18 **IN AN INDIVIDUAL'S DNA OR OTHER GENETIC MATERIALS; OR**

19 **(2) REPLACE, SUPERSEDE, OR BYPASS A NORMAL FUNCTION OF AN**
20 **INDIVIDUAL'S DNA OR OTHER GENETIC MATERIALS.**

21 20–301.

22 In this subtitle, “place of public accommodation” means:

23 (1) an inn, hotel, motel, or other establishment that provides lodging to
24 transient guests;

25 (2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or
26 other facility principally engaged in selling food or alcoholic beverages for consumption on
27 or off the premises, including a facility located on the premises of a retail establishment or
28 gasoline station;

1 (3) a motion picture house, theater, concert hall, sports arena, stadium, or
2 other place of exhibition or entertainment;

3 (4) a retail establishment that:

4 (i) is operated by a public or private entity; and

5 (ii) offers goods, services, entertainment, recreation, or
6 transportation; or

7 (5) an establishment:

8 (i) 1. that is physically located within the premises of any other
9 establishment covered by this subtitle; or

10 2. within the premises of which any other establishment
11 covered by this subtitle is physically located; and

12 (ii) that holds itself out as serving patrons of the covered
13 establishment.

14 20–302.

15 This subtitle does not prohibit the proprietor or employees of any establishment from
16 denying service to any person for failure to conform to the usual and regular requirements,
17 standards, and regulations of the establishment, provided that the denial is not based on
18 discrimination on the grounds of race, sex, age, color, creed, national origin, marital status,
19 sexual orientation, gender identity, **REFUSAL OF THE PERSON TO UNDERGO A GENETIC**
20 **PROCEDURE**, or disability.

21 20–304.

22 An owner or operator of a place of public accommodation or an agent or employee of
23 the owner or operator may not refuse, withhold from, or deny to any person any of the
24 accommodations, advantages, facilities, or privileges of the place of public accommodation
25 because of the person's race, sex, age, color, creed, national origin, marital status, sexual
26 orientation, gender identity, **REFUSAL TO UNDERGO A GENETIC PROCEDURE**, or
27 disability.

28 20–401.

29 This subtitle does not prohibit any person that is licensed or regulated by the
30 Maryland Department of Labor from refusing, withholding from, or denying
31 accommodations, advantages, facilities, privileges, sales, or services to any person for
32 failure to conform to the usual and regular requirements, standards, and regulations of the
33 licensed or regulated person, provided that the denial is not based on discrimination on the
34 grounds of race, sex, color, creed, national origin, marital status, sexual orientation, age,

1 gender identity, **REFUSAL OF THE PERSON TO UNDERGO A GENETIC PROCEDURE**, or
2 disability.

3 20-402.

4 A person that is licensed or regulated by a unit in the Maryland Department of Labor
5 listed in § 2-108 of the Business Regulation Article may not refuse, withhold from, or deny
6 any person any of the accommodations, advantages, facilities, privileges, sales, or services
7 of the licensed or regulated person or discriminate against any person because of the
8 person's race, sex, creed, color, national origin, marital status, sexual orientation, age,
9 gender identity, **REFUSAL TO UNDERGO A GENETIC PROCEDURE**, or disability.

10 20-501.

11 An owner or operator of commercial property, an agent or employee of the owner or
12 operator of commercial property, or a person that is licensed or regulated by the State may
13 not discriminate against an individual in the terms, conditions, or privileges of the leasing
14 of property for commercial use, or in the provision of services or facilities in connection with
15 the leasing of property for commercial use, because of the individual's race, color, religion,
16 sex, age, disability, marital status, sexual orientation, gender identity, **REFUSAL TO**
17 **UNDERGO A GENETIC PROCEDURE**, or national origin.

18 20-601.

19 (a) In this subtitle the following words have the meanings indicated.

20 (h) "Harassment" includes:

21 (1) unwelcome and offensive conduct, which need not be severe or
22 pervasive, when:

23 (i) the conduct is based on race, color, religion, ancestry or national
24 origin, sex, age, marital status, sexual orientation, gender identity, **REFUSAL OF THE**
25 **INDIVIDUAL TO UNDERGO A GENETIC PROCEDURE**, or disability; and

26 (ii) 1. submission to the conduct is made either explicitly or
27 implicitly a term or condition of employment of an individual;

28 2. submission to or rejection of the conduct is used as a basis
29 for employment decisions affecting the individual; or

30 3. based on the totality of the circumstances, the conduct
31 unreasonably creates a working environment that a reasonable person would perceive to
32 be abusive or hostile; and

33 (2) sexual harassment.

1 20-602.

2 It is the policy of the State, in the exercise of its police power for the protection of the
3 public safety, public health, and general welfare, for the maintenance of business and good
4 government, and for the promotion of the State's trade, commerce, and manufacturers:

5 (1) to assure all persons equal opportunity in receiving employment and in
6 all labor management-union relations, regardless of race, color, religion, ancestry or
7 national origin, sex, age, marital status, sexual orientation, gender identity, **REFUSAL OF**
8 **A PERSON TO UNDERGO A GENETIC PROCEDURE**, or disability unrelated in nature and
9 extent so as to reasonably preclude the performance of the employment; and

10 (2) to that end, to prohibit discrimination in employment by any person.

11 20-603.

12 This subtitle does not require:

13 (1) an employer, employment agency, labor organization, or joint
14 labor-management committee subject to this subtitle to grant preferential treatment to
15 any individual or group on the basis of the race, color, religion, sex, age, national origin,
16 gender identity, sexual orientation, **REFUSAL TO UNDERGO A GENETIC PROCEDURE**, or
17 disability of the individual or group because an imbalance may exist with respect to the
18 total number or percentage of individuals of any race, color, religion, sex, age, national
19 origin, gender identity, **GENETIC PROCEDURE REFUSAL STATUS**, or sexual orientation
20 or individuals with disabilities employed by the employer, referred or classified for
21 employment by the employment agency or labor organization, admitted to membership or
22 classified by the labor organization, or admitted to, or employed in, any apprenticeship or
23 other training program, compared to the total number or percentage of individuals of that
24 race, color, religion, sex, age, national origin, gender identity, **GENETIC PROCEDURE**
25 **REFUSAL STATUS**, or sexual orientation or individuals with disabilities in the State or any
26 community, section, or other area, or in the available work force in the State or any
27 community, section, or other area; or

28 (2) an employer to reasonably accommodate an employee's religion or
29 disability, or an applicant for employment's disability, if the accommodation would cause
30 undue hardship on the conduct of the employer's business.

31 20-606.

32 (a) An employer may not:

33 (1) fail or refuse to hire, discharge, or otherwise discriminate against any
34 individual with respect to the individual's compensation, terms, conditions, or privileges of
35 employment because of:

1 (i) the individual's race, color, religion, sex, age, national origin,
2 marital status, sexual orientation, gender identity, genetic information, **REFUSAL TO**
3 **UNDERGO A GENETIC PROCEDURE**, or disability unrelated in nature and extent so as to
4 reasonably preclude the performance of the employment; or

5 (ii) the individual's refusal to submit to a genetic test or make
6 available the results of a genetic test;

7 (2) limit, segregate, or classify its employees or applicants for employment
8 in any way that would deprive or tend to deprive any individual of employment
9 opportunities or otherwise adversely affect the individual's status as an employee because
10 of:

11 (i) the individual's race, color, religion, sex, age, national origin,
12 marital status, sexual orientation, gender identity, genetic information, **REFUSAL TO**
13 **UNDERGO A GENETIC PROCEDURE**, or disability unrelated in nature and extent so as to
14 reasonably preclude the performance of the employment; or

15 (ii) the individual's refusal to submit to a genetic test or make
16 available the results of a genetic test;

17 (3) request or require genetic tests or genetic information as a condition of
18 hiring or determining benefits;

19 (4) fail or refuse to make a reasonable accommodation for the known
20 disability of an otherwise qualified employee or an applicant for employment; or

21 (5) engage in harassment of an employee.

22 (b) An employment agency may not:

23 (1) fail or refuse to refer for employment or otherwise discriminate against
24 any individual because of the individual's race, color, religion, sex, age, national origin,
25 marital status, sexual orientation, gender identity, **REFUSAL TO UNDERGO A GENETIC**
26 **PROCEDURE**, or disability unrelated in nature and extent so as to reasonably preclude the
27 performance of the employment; or

28 (2) classify or refer for employment any individual on the basis of the
29 individual's race, color, religion, sex, age, national origin, marital status, sexual
30 orientation, gender identity, **REFUSAL TO UNDERGO A GENETIC PROCEDURE**, or
31 disability unrelated in nature and extent so as to reasonably preclude the performance of
32 the employment.

33 (c) A labor organization may not:

1 (1) exclude or expel from its membership, or otherwise discriminate
2 against, any individual because of the individual's race, color, religion, sex, age, national
3 origin, marital status, sexual orientation, gender identity, **REFUSAL TO UNDERGO A**
4 **GENETIC PROCEDURE**, or disability unrelated in nature and extent so as to reasonably
5 preclude the performance of the employment;

6 (2) limit, segregate, or classify its membership, or classify or fail or refuse
7 to refer for employment any individual, in any way that would deprive or tend to deprive
8 the individual of employment opportunities, limit the individual's employment
9 opportunities, or otherwise adversely affect the individual's status as an employee or as an
10 applicant for employment because of the individual's race, color, religion, sex, age, national
11 origin, marital status, sexual orientation, gender identity, **REFUSAL TO UNDERGO A**
12 **GENETIC PROCEDURE**, or disability unrelated in nature and extent so as to reasonably
13 preclude the performance of the employment; or

14 (3) cause or attempt to cause an employer to discriminate against an
15 individual in violation of this section.

16 (d) An employer, labor organization, or joint labor-management committee
17 controlling apprenticeship or other training or retraining programs, including on-the-job
18 training programs, may not discriminate against any individual in admission to, or
19 employment in, any program established to provide apprenticeship or other training or
20 retraining because of the individual's race, color, religion, sex, age, national origin, marital
21 status, sexual orientation, gender identity, **REFUSAL TO UNDERGO A GENETIC**
22 **PROCEDURE**, or disability unrelated in nature and extent so as to reasonably preclude the
23 performance of the employment.

24 (e) (1) Except as provided in paragraph (2) of this subsection, an employer,
25 labor organization, or employment agency may not print or cause to be printed or published
26 any notice or advertisement relating to employment by the employer, membership in or any
27 classification or referral for employment by the labor organization, or any classification or
28 referral for employment by the employment agency that indicates any preference,
29 limitation, specification, or discrimination based on race, color, religion, sex, age, national
30 origin, marital status, sexual orientation, gender identity, **REFUSAL TO UNDERGO A**
31 **GENETIC PROCEDURE**, or disability.

32 (2) A notice or advertisement may indicate a preference, limitation,
33 specification, or discrimination based on religion, sex, age, national origin, marital status,
34 or disability if religion, sex, age, national origin, marital status, or disability is a bona fide
35 occupational qualification for employment.

36 (f) An employer may not discriminate or retaliate against any of its employees or
37 applicants for employment, an employment agency may not discriminate against any
38 individual, and a labor organization may not discriminate or retaliate against any member
39 or applicant for membership because the individual has:

1 (1) opposed any practice prohibited by this subtitle; or

2 (2) made a charge, testified, assisted, or participated in any manner in an
3 investigation, proceeding, or hearing under this subtitle.

4 20–610.

5 (b) An employer may not:

6 (1) fail or refuse to offer an internship, terminate an internship, or
7 otherwise discriminate against an individual with respect to the terms, conditions, or
8 privileges of an internship because of the individual's race, color, religion, sex, age, national
9 origin, marital status, sexual orientation, gender identity, **REFUSAL TO UNDERGO A**
10 **GENETIC PROCEDURE**, or disability unrelated in nature and extent so as to reasonably
11 preclude the performance of the internship;

12 (2) limit, segregate, or classify its interns or applicants for internships in
13 any way that would deprive or tend to deprive any individual of internship opportunities
14 or otherwise adversely affect the individual's status as an intern because of the individual's
15 race, color, religion, sex, age, national origin, marital status, sexual orientation, gender
16 identity, **REFUSAL TO UNDERGO A GENETIC PROCEDURE**, or disability unrelated in
17 nature and extent so as to reasonably preclude the performance of the internship;

18 (3) fail or refuse to make a reasonable accommodation for the known
19 disability of an otherwise qualified intern; or

20 (4) discriminate or retaliate against any of its interns or applicants for
21 internships because the individual has:

22 (i) opposed any practice prohibited by this subtitle; or

23 (ii) made a charge, testified, assisted, or participated in any manner
24 in an investigation, a proceeding, or a hearing under this subtitle.

25 (c) (1) Except as provided in paragraph (2) of this subsection, an employer may
26 not print or cause to be printed or published any notice or advertisement relating to an
27 internship with the employer that indicates any preference, limitation, specification, or
28 discrimination based on race, color, religion, sex, age, national origin, marital status, sexual
29 orientation, gender identity, **REFUSAL OF A PERSON TO UNDERGO A GENETIC**
30 **PROCEDURE**, or disability.

31 (2) A notice or an advertisement may indicate a preference, limitation,
32 specification, or discrimination based on religion, sex, age, national origin, marital status,
33 or disability if religion, sex, age, national origin, marital status, or disability is a bona fide
34 occupational qualification for the internship.

35 20–702.

1 (a) It is the policy of the State:

2 (1) to provide for fair housing throughout the State to all, regardless of
3 race, color, religion, sex, familial status, national origin, marital status, sexual orientation,
4 gender identity, disability, **GENETIC PROCEDURE REFUSAL STATUS**, or source of income;
5 and

6 (2) to that end, to prohibit discriminatory practices with respect to
7 residential housing by any person, in order to protect and ensure the peace, health, safety,
8 prosperity, and general welfare of all.

9 20–703.

10 This subtitle does not:

11 (1) invalidate or limit any local law that requires dwellings to be designed
12 and constructed in a manner that affords an individual with a disability greater access than
13 is required by § 20–706(b) of this subtitle;

14 (2) limit the applicability of any reasonable local, State, or federal
15 restrictions regarding the maximum number of occupants allowed to occupy a dwelling;

16 (3) prohibit the State or a local government from enacting standards that
17 govern the location of group homes, as defined in § 4–601 of the Housing and Community
18 Development Article;

19 (4) affect the powers of any local government to enact an ordinance on any
20 subject covered by this subtitle, provided that the ordinance does not authorize any act that
21 would be a discriminatory housing practice under this subtitle;

22 (5) require that a dwelling be made available to an individual whose
23 tenancy would:

24 (i) constitute a direct threat to the health or safety of other
25 individuals; or

26 (ii) result in substantial physical damage to the property of others;

27 (6) prohibit conduct against a person because the person has been
28 convicted by a court of competent jurisdiction of the illegal manufacture or distribution of:

29 (i) a controlled dangerous substance, as defined in § 5–101 of the
30 Criminal Law Article; or

31 (ii) a controlled substance, as defined in 21 U.S.C. § 802;

1 (7) unless membership in the religion is restricted on the basis of race,
2 color, or national origin, prohibit a religious organization, association, or society or any
3 nonprofit institution or organization operated, supervised, or controlled by or in conjunction
4 with a religious organization, association, or society from giving preference or limiting the
5 sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial
6 purpose to persons of the same religion; or

7 (8) prohibit a private club that is not open to the public and that, as an
8 incident to its primary purpose or purposes, provides lodgings that it owns or operates for
9 other than a commercial purpose, from limiting the rental or occupancy of the dwellings to
10 its members or from giving preference to its members.

11 20–705.

12 Except as provided in §§ 20–703 and 20–704 of this subtitle, a person may not:

13 (1) refuse to sell or rent after the making of a bona fide offer, refuse to
14 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any
15 person because of race, color, religion, sex, disability, marital status, familial status, sexual
16 orientation, gender identity, national origin, **REFUSAL OF THE PERSON TO UNDERGO A**
17 **GENETIC PROCEDURE**, or source of income;

18 (2) discriminate against any person in the terms, conditions, or privileges
19 of the sale or rental of a dwelling, or in the provision of services or facilities in connection
20 with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital
21 status, familial status, sexual orientation, gender identity, national origin, **REFUSAL OF**
22 **THE PERSON TO UNDERGO A GENETIC PROCEDURE**, or source of income;

23 (3) make, print, or publish, or cause to be made, printed, or published, any
24 notice, statement, or advertisement with respect to the sale or rental of a dwelling that
25 indicates any preference, limitation, or discrimination based on race, color, religion, sex,
26 disability, marital status, familial status, sexual orientation, gender identity, national
27 origin, **REFUSAL OF THE PERSON TO UNDERGO A GENETIC PROCEDURE**, or source of
28 income, or an intention to make any preference, limitation, or discrimination;

29 (4) represent to any person, because of race, color, religion, sex, disability,
30 marital status, familial status, sexual orientation, gender identity, national origin,
31 **REFUSAL OF THE PERSON TO UNDERGO A GENETIC PROCEDURE**, or source of income,
32 that any dwelling is not available for inspection, sale, or rental when the dwelling is
33 available; or

34 (5) for profit, induce or attempt to induce any person to sell or rent any
35 dwelling by representations regarding the entry or prospective entry into the neighborhood
36 of:

1 **(I)** a person of a particular race, color, religion, sex, disability,
2 marital status, familial status, sexual orientation, gender identity, national origin, or
3 source of income; **OR**

4 **(II) A PERSON WHO HAS REFUSED TO UNDERGO A GENETIC**
5 **PROCEDURE.**

6 20–707.

7 (b) (1) A person whose business includes engaging in residential real
8 estate–related transactions may not discriminate against any person in making available
9 a transaction, or in the terms or conditions of a transaction, because of race, color, religion,
10 sex, disability, marital status, familial status, sexual orientation, gender identity, national
11 origin, **REFUSAL OF THE PERSON TO UNDERGO A GENETIC PROCEDURE**, or source of
12 income.

13 (2) Paragraph (1) of this subsection does not prohibit a person engaged in
14 the business of furnishing appraisals of real property from taking into consideration factors
15 other than race, color, religion, sex, disability, marital status, familial status, sexual
16 orientation, gender identity, national origin, **REFUSAL OF A PERSON TO UNDERGO A**
17 **GENETIC PROCEDURE**, or source of income.

18 (c) A person may not, because of race, color, religion, sex, disability, marital
19 status, familial status, sexual orientation, gender identity, national origin, **REFUSAL OF A**
20 **PERSON TO UNDERGO A GENETIC PROCEDURE**, or source of income:

21 (1) deny a person access to, or membership or participation in, a
22 multiple–listing service, real estate brokers’ organization, or other service, organization, or
23 facility relating to the business of selling or renting dwellings; or

24 (2) discriminate against a person in the terms or conditions of membership
25 or participation.

26 20–1103.

27 (b) Whether or not acting under color of law, a person may not, by force or threat
28 of force, willfully injure, intimidate, interfere with, or attempt to injure, intimidate, or
29 interfere with:

30 (1) any person because of race, color, religion, sex, disability, marital
31 status, familial status, sexual orientation, gender identity, national origin, **REFUSAL OF**
32 **THE PERSON TO UNDERGO A GENETIC PROCEDURE**, or source of income and because
33 the person is or has been:

34 (i) selling, purchasing, renting, financing, occupying, or contracting
35 or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling; or

1 (ii) applying for or participating in any service, organization, or
2 facility relating to the business of selling or renting dwellings;

3 (2) any person because the person is or has been, or in order to intimidate
4 the person or any other person or any class of persons from:

5 (i) participating, without discrimination on account of race, color,
6 religion, sex, disability, marital status, familial status, sexual orientation, gender identity,
7 national origin, **REFUSAL TO UNDERGO A GENETIC PROCEDURE**, or source of income, in
8 any of the activities, services, organizations, or facilities described in item (1) of this
9 subsection; or

10 (ii) affording another person or class of persons the opportunity or
11 protection to participate in any of the activities, services, organizations, or facilities
12 described in item (1) of this subsection; or

13 (3) any person because the person is or has been, or in order to discourage
14 the person or any other person from:

15 (i) lawfully aiding or encouraging other persons to participate,
16 without discrimination on account of race, color, religion, sex, disability, marital status,
17 familial status, sexual orientation, gender identity, national origin, **REFUSAL TO**
18 **UNDERGO A GENETIC PROCEDURE**, or source of income, in any of the activities, services,
19 organizations, or facilities described in item (1) of this subsection; or

20 (ii) participating lawfully in speech or peaceful assembly opposing
21 any denial of the opportunity to participate in any of the activities, services, organizations,
22 or facilities described in item (1) of this subsection.

23 Article – State Personnel and Pensions

24 2–302.

25 (a) The State recognizes and honors the value and dignity of every person and
26 understands the importance of providing employees and applicants for employment with a
27 fair opportunity to pursue their careers in an environment free of discrimination or
28 harassment prohibited by law.

29 (b) (1) Except as provided in paragraph (2) of this subsection or by other law,
30 all personnel actions concerning a State employee or applicant for employment in State
31 government shall be made without regard to:

32 (i) age;

33 (ii) ancestry;

- 1 (iii) color;
- 2 (iv) creed;
- 3 (v) gender identity;
- 4 (vi) marital status;
- 5 (vii) mental or physical disability;
- 6 (viii) national origin;
- 7 (ix) race;
- 8 (x) religious affiliation, belief, or opinion;
- 9 (xi) sex; [or]
- 10 (xii) sexual orientation; **OR**

11 **(XIII) WHETHER THE EMPLOYEE OR APPLICANT HAS REFUSED TO**
12 **UNDERGO A GENETIC PROCEDURE.**

13 (2) A personnel action may be taken with regard to age, sex, or disability
14 to the extent that age, sex, or physical or mental qualification is required by law or is a
15 bona fide occupational qualification.

16 (c) (1) Each State employee is expected to assume personal responsibility and
17 leadership in ensuring fair employment practices and equal employment opportunity in
18 Maryland State government.

19 (2) Employment discrimination and harassment by State managers,
20 supervisors, or other employees is prohibited.

21 (3) A State employee who violates this subtitle is subject to disciplinary
22 action by the employee's appointing authority, including the termination of State
23 employment.

24 (d) The Equal Employment Opportunity Program in Title 5, Subtitle 2 of this
25 article governs all employees of any unit in the Executive Branch of State government,
26 including a unit with an independent personnel system.

27 (e) (1) At least annually, the Secretary shall report on the Equal Employment
28 Opportunity Program established in § 5-202 of this article to the Joint Committee on Fair
29 Practices and State Personnel Oversight.

1 (2) The head of a personnel system in the Legislative and Judicial branches
2 may report periodically on equal employment opportunity programs and policies in effect
3 in that personnel system to the Joint Committee on Fair Practices and State Personnel
4 Oversight.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2024.