

# SENATE BILL 1061

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CF HB 1084

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By: **Senator Ellis**

Introduced and read first time: February 2, 2024

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Employee Autoimmune Disorder Protection Act**

3 FOR the purpose of prohibiting an employer from requiring an employee to work on-site at  
4 the employer's workplace if the employee provides documentation from a physician  
5 or other licensed health care practitioner that the employee has been diagnosed with  
6 an autoimmune disorder or other qualifying illness and certain other conditions are  
7 met; and generally relating to employment of individuals with autoimmune  
8 disorders.

9 BY adding to

10 Article – Labor and Employment  
11 Section 3–103(n)  
12 Annotated Code of Maryland  
13 (2016 Replacement Volume and 2023 Supplement)

14 BY adding to

15 Article – Labor and Employment  
16 Section 3–1801 through 3–1805 to be under the new subtitle “Subtitle 18. Employee  
17 Autoimmune Disorder Protection Act”  
18 Annotated Code of Maryland  
19 (2016 Replacement Volume and 2023 Supplement)

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

22 **Article – Labor and Employment**

23 3–103.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(N) THE COMMISSIONER MAY CONDUCT AN INVESTIGATION TO DETERMINE**  
2 **WHETHER SUBTITLE 18 OF THIS TITLE HAS BEEN VIOLATED ON RECEIPT OF A**  
3 **WRITTEN COMPLAINT BY AN EMPLOYEE.**

4           **SUBTITLE 18. EMPLOYEE AUTOIMMUNE DISORDER PROTECTION ACT.**

5 **3-1801.**

6           **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
7 **INDICATED.**

8           **(B) (1) “AUTOIMMUNE DISORDER” MEANS A CONDITION IN WHICH THE**  
9 **BODY’S IMMUNE SYSTEM ATTACKS AND DESTROYS HEALTHY BODY TISSUE.**

10           **(2) “AUTOIMMUNE DISORDER” INCLUDES:**

11                   **(I) BRONCHIECTASIS;**

12                   **(II) CELIAC DISEASE;**

13                   **(III) GUILLAIN-BARRE SYNDROME;**

14                   **(IV) HASHIMOTO’S THYROIDITIS;**

15                   **(V) IDIOPATHIC PULMONARY FIBROSIS;**

16                   **(VI) LUPUS;**

17                   **(VII) MULTIPLE SCLEROSIS;**

18                   **(VIII) MYASTHENIA GRAVIS;**

19                   **(IX) PEMPHIGUS VULGARIS; AND**

20                   **(X) RHEUMATOID ARTHRITIS.**

21           **(C) “EMPLOYER” INCLUDES A GOVERNMENTAL UNIT.**

22           **(D) (1) “ESSENTIAL INDUSTRY” MEANS AN INDUSTRY THAT HAS BEEN**  
23 **DETERMINED BY THE COMMISSIONER TO REQUIRE ON-SITE WORK AS PART OF ITS**  
24 **CORE OPERATION.**

25           **(2) “ESSENTIAL INDUSTRY” INCLUDES:**

- 1                   (I)    CHEMICAL MANUFACTURING AND PROCESSING;
- 2                   (II)   COMMUNICATIONS AND INFORMATION TECHNOLOGY;
- 3                   (III)   ENERGY SERVICES;
- 4                   (IV)   FINANCIAL SERVICES;
- 5                   (V)    FIRST RESPONDERS AND EMERGENCY SERVICES;
- 6                   (VI)   FOOD AND AGRICULTURE;
- 7                   (VII)   HAZARDOUS MATERIALS HANDLING AND DISPOSAL;
- 8                   (VIII)   HEALTH CARE AND PUBLIC HEALTH;
- 9                   (IX)   LAW ENFORCEMENT AND PUBLIC SAFETY;
- 10                  (X)    PUBLIC WORKS AND INFRASTRUCTURE SUPPORT SERVICES;
- 11                  (XI)   TRANSPORTATION AND LOGISTICS;
- 12                  (XII)   WATER AND WASTEWATER SERVICES; AND
- 13                  (XIII)   ANY OTHER INDUSTRY THE COMMISSIONER DESIGNATES AS
- 14   ESSENTIAL.

15           (E)    “OTHER QUALIFYING ILLNESS” MEANS:

16                   (1)    A CONDITION OR SYMPTOM CAUSED BY AN AUTOIMMUNE

17   DISORDER THAT COULD IMPAIR AN EMPLOYEE PHYSICALLY OR MENTALLY; OR

18                   (2)    ANY OTHER DISORDER OF THE IMMUNE SYSTEM THAT A

19   PHYSICIAN OR OTHER LICENSED HEALTH CARE PRACTITIONER DETERMINES MAY

20   HAVE A DETRIMENTAL EFFECT ON AN EMPLOYEE’S ABILITY TO SAFELY WORK

21   ON-SITE OR TRAVEL TO AND FROM WORK.

22           (F)    “SMALL EMPLOYER” MEANS AN EMPLOYER WHO EMPLOYS 20 OR FEWER

23   EMPLOYEES.

1           **THIS SUBTITLE DOES NOT APPLY TO AN EMPLOYER IN AN ESSENTIAL**  
2 **INDUSTRY.**

3 **3-1803.**

4           **AN EMPLOYER MAY NOT REQUIRE AN EMPLOYEE TO WORK ON-SITE AT THE**  
5 **EMPLOYER'S WORKPLACE IF:**

6                   **(1) THE EMPLOYEE PROVIDES DOCUMENTATION FROM A PHYSICIAN**  
7 **OR OTHER LICENSED HEALTH CARE PRACTITIONER THAT:**

8                           **(I) THE EMPLOYEE HAS BEEN DIAGNOSED WITH AN**  
9 **AUTOIMMUNE DISORDER OR ANY OTHER QUALIFYING ILLNESS; AND**

10                           **(II) ON-SITE WORK, OR TRAVEL TO AND FROM THE WORKPLACE,**  
11 **WOULD BE UNSAFE FOR THE EMPLOYEE; AND**

12                   **(2) THE DUTIES OF THE EMPLOYEE MAY REASONABLY BE FULFILLED**  
13 **AT THE HOME OF THE EMPLOYEE.**

14 **3-1804.**

15                   **(A) (1) IF AN EMPLOYEE BELIEVES THAT THE EMPLOYER OF THE**  
16 **EMPLOYEE HAS VIOLATED THIS SUBTITLE, THE EMPLOYEE MAY SUBMIT TO THE**  
17 **COMMISSIONER A WRITTEN COMPLAINT THAT ALLEGES THE VIOLATION AND THAT**  
18 **INCLUDES THE SIGNATURE OF THE EMPLOYEE.**

19                           **(2) THE COMMISSIONER SHALL ACCEPT AS TIMELY AN ORAL**  
20 **COMPLAINT MADE BY THE EMPLOYEE UNDER THE CIRCUMSTANCES DESCRIBED IN**  
21 **PARAGRAPH (1) OF THIS SUBSECTION IF, WITHIN 7 BUSINESS DAYS AFTER THE ORAL**  
22 **COMPLAINT IS MADE, THE EMPLOYEE SUBMITS A WRITTEN COMPLAINT THAT**  
23 **INCLUDES THE SIGNATURE OF THE EMPLOYEE.**

24                           **(3) AN EMPLOYEE SHALL FILE A COMPLAINT UNDER THIS**  
25 **SUBSECTION WITHIN 30 DAYS AFTER THE ALLEGED DISCRIMINATION OCCURS.**

26                   **(B) (1) ON RECEIPT OF A COMPLAINT UNDER SUBSECTION (A) OF THIS**  
27 **SECTION, THE COMMISSIONER MAY INVESTIGATE.**

28                           **(2) IF, AFTER INVESTIGATION, THE COMMISSIONER DETERMINES**  
29 **THAT AN EMPLOYER HAS VIOLATED THIS SUBTITLE, THE COMMISSIONER SHALL**  
30 **FILE A COMPLAINT TO ENJOIN THE VIOLATION OR FOR OTHER APPROPRIATE RELIEF**  
31 **IN THE CIRCUIT COURT FOR:**

1 (I) THE COUNTY IN WHICH THE ALLEGED VIOLATION  
2 OCCURRED;

3 (II) THE COUNTY IN WHICH THE EMPLOYER HAS ITS PRINCIPAL  
4 OFFICE; OR

5 (III) BALTIMORE CITY.

6 (3) WITHIN 90 DAYS AFTER THE COMMISSIONER RECEIVES A  
7 COMPLAINT, THE COMMISSIONER SHALL NOTIFY THE EMPLOYEE OF THE  
8 DETERMINATION UNDER THIS SUBSECTION.

9 (C) IF THE COMMISSIONER DETERMINES THAT:

10 (1) A SMALL EMPLOYER HAS VIOLATED THIS SUBTITLE, THE SMALL  
11 EMPLOYER SHALL BE SUBJECT TO A CIVIL PENALTY NOT EXCEEDING:

12 (I) \$500 FOR THE FIRST VIOLATION; AND

13 (II) \$1,000 FOR EACH SUBSEQUENT VIOLATION; OR

14 (2) AN EMPLOYER OTHER THAN A SMALL EMPLOYER HAS VIOLATED  
15 THIS SUBTITLE, THE EMPLOYER SHALL BE SUBJECT TO A CIVIL PENALTY NOT  
16 EXCEEDING:

17 (I) \$5,000 FOR THE FIRST VIOLATION; AND

18 (II) \$10,000 FOR EACH SUBSEQUENT VIOLATION.

19 3-1805.

20 THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE  
21 PROVISIONS OF THIS SUBTITLE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of  
23 Labor shall adopt the regulations required under § 3-1805 of the Labor and Employment  
24 Article, as enacted by Section 1 of this Act, on or before June 1, 2025.

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