

# HOUSE BILL 1397

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CF SB 590

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By: **Delegates Simmons, Cardin, Fair, Pasteur, Phillips, and Vogel**

Introduced and read first time: February 9, 2024

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 3, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Human Relations – Discrimination – Protected Characteristics**

3 FOR the purpose of altering certain provisions of law prohibiting discrimination based on  
4 certain protected characteristics to include prohibitions on discrimination based on  
5 sexual orientation, gender identity, race, religious beliefs, marital status, and  
6 disability; and generally relating to prohibitions against discrimination based on  
7 protected characteristics.

8 BY repealing and reenacting, with amendments,

9 Article – Commercial Law

10 Section 11–102(e), 12–113(a), 12–305(a), 12–503(b)(1), 12–603, 12–702, and  
11 12–704(1)

12 Annotated Code of Maryland

13 (2013 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Courts and Judicial Proceedings

16 Section 5–106(p) and 8–102(b)

17 Annotated Code of Maryland

18 (2020 Replacement Volume and 2023 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Criminal Law

21 Section 2–207(c), 3–209(b), 10–304, and 10–305

22 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 (2021 Replacement Volume and 2023 Supplement)
- 2 BY repealing and reenacting, with amendments,  
3 Article – Education  
4 Section 6–104(b), 7–128(c), 23–605(a)(2), and 23–806(a)(3)(iii)  
5 Annotated Code of Maryland  
6 (2022 Replacement Volume and 2023 Supplement)
- 7 BY repealing and reenacting, with amendments,  
8 Article – Health – General  
9 Section 19–408(b), 19–710(h), and 19–725(a)  
10 Annotated Code of Maryland  
11 (2023 Replacement Volume)
- 12 BY repealing and reenacting, with amendments,  
13 Article – Health Occupations  
14 Section 14–5F–10(c) and 19–311(15)  
15 Annotated Code of Maryland  
16 (2021 Replacement Volume and 2023 Supplement)
- 17 BY repealing and reenacting, with amendments,  
18 Article – Housing and Community Development  
19 Section 16–305  
20 Annotated Code of Maryland  
21 (2019 Replacement Volume and 2023 Supplement)
- 22 BY repealing and reenacting, with amendments,  
23 Article – Human Services  
24 Section 8–707(b)(1)(viii)  
25 Annotated Code of Maryland  
26 (2019 Replacement Volume and 2023 Supplement)
- 27 BY repealing and reenacting, with amendments,  
28 Article – Insurance  
29 Section 15–112(h)(1) and 27–910(b)  
30 Annotated Code of Maryland  
31 (2017 Replacement Volume and 2023 Supplement)
- 32 BY repealing and reenacting, with amendments,  
33 Article – Labor and Employment  
34 Section 3–304 and 3–307(a)(1)  
35 Annotated Code of Maryland  
36 (2016 Replacement Volume and 2023 Supplement)
- 37 BY repealing and reenacting, with amendments,  
38 Article – Land Use  
39 Section 16–204 and 16–304(b)

1 Annotated Code of Maryland  
2 (2012 Volume and 2023 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article – Public Utilities  
5 Section 7–507(h)(1) and 18–204  
6 Annotated Code of Maryland  
7 (2020 Replacement Volume and 2023 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article – Real Property  
10 Section 8A–801(b)  
11 Annotated Code of Maryland  
12 (2023 Replacement Volume)

13 BY repealing and reenacting, with amendments,  
14 Article – State Finance and Procurement  
15 Section 13–219(c)(1), 19–101(a), 19–102, 19–103(j)(1), 19–114, and 19–115  
16 Annotated Code of Maryland  
17 (2021 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Tax – Property  
20 Section 8–214(a)  
21 Annotated Code of Maryland  
22 (2019 Replacement Volume and 2023 Supplement)

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

25 **Article – Commercial Law**

26 11–102.

27 (e) “Discriminatory boycott” means the entering into or carrying out of any  
28 provision, express or implied, of any agreement, understanding or contractual arrangement  
29 for economic benefit between any person and any foreign government, foreign person, or  
30 international organization, which is not specifically authorized by the law of the United  
31 States and which is required or imposed, either directly or indirectly, overtly or covertly,  
32 by the foreign government, foreign person, or international organization in order to restrict,  
33 condition, prohibit, or interfere with any business relationship on the basis of a domestic  
34 individual’s race, color, creed, religion, sex, **SEXUAL ORIENTATION, DISABILITY, GENDER**  
35 **IDENTITY**, or national origin. Except, that entering into an agreement, understanding or  
36 contractual arrangement with respect to the handling or shipping of goods while in  
37 international and not intrastate transit or executing and delivering any other document  
38 with respect to the handling or shipping of goods while in international and not intrastate  
39 transit or carrying out or complying with any provision with respect to the choice of carrier

1 in international and not intrastate transit or the international routing of goods while in  
2 international and not intrastate transit contained in any such agreement, understanding,  
3 contractual arrangement or other document may not constitute a discriminatory boycott  
4 within the meaning of this subtitle.

5 12-113.

6 (a) Except as provided in subsection (b) of this section, a lender may not refuse to  
7 lend money to any person solely because of:

8 (1) Geographic area or neighborhood; or

9 (2) Race, creed, color, age, sex, **SEXUAL ORIENTATION, GENDER**  
10 **IDENTITY, DISABILITY**, marital status, handicap, or national origin.

11 12-305.

12 (a) In granting or denying an application for a loan, a licensee may not  
13 discriminate against any loan applicant only on the basis of race, color, creed, national  
14 origin, sex, **SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY**, marital status, or  
15 age.

16 12-503.

17 (b) (1) A seller or financial institution may not discriminate solely on the basis  
18 of **RACE**, sex, **SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY**, marital status,  
19 geographic area of residence, neighborhood of residence, or age against a buyer who wishes  
20 to establish an account. Refusal to establish an account for a buyer who is under the age of  
21 18 is not discrimination solely on the basis of age.

22 12-603.

23 A seller or sales finance company may not discriminate against a buyer solely on the  
24 basis of the **RACE**, sex, **SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY**, marital  
25 status, geographic area of residence, neighborhood of residence, or age of the buyer. Refusal  
26 to grant credit to a buyer who is under the age of 18 is not discrimination solely on the basis  
27 of age.

28 12-702.

29 (a) The General Assembly finds that there is a need to insure that the various  
30 financial institutions and other persons and firms engaged in the extension of credit  
31 exercise their responsibility to make credit available with fairness, impartiality, and  
32 without discrimination on the basis of sex or marital status. Economic stabilization would  
33 be enhanced, and competition among the various financial institutions and other persons  
34 and firms engaged in the extension of credit would be strengthened by an absence of

1 discrimination on the basis of sex, **SEXUAL ORIENTATION, GENDER IDENTITY,**  
2 **DISABILITY**, marital status, race, color, religion, national origin, or age (provided the  
3 applicant has capacity to contract).

4 (b) It is the purpose of this subtitle to require that financial institutions and other  
5 persons and firms engaged in the extension of credit do not deny credit on the basis of sex,  
6 **SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY**, marital status, race, color,  
7 religion, national origin, or age (provided the applicant has capacity to contract).

8 12-704.

9 With respect to any aspect of a credit transaction:

10 (1) A creditor may not discriminate against any applicant on the basis of  
11 sex, **SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY**, marital status, race, color,  
12 religion, national origin, or age;

### 13 **Article – Courts and Judicial Proceedings**

14 5-106.

15 (p) A prosecution for an offense of discrimination on the basis of sex, **SEXUAL**  
16 **ORIENTATION, RELIGIOUS BELIEFS, GENDER IDENTITY, RACE, OR DISABILITY** in  
17 paying wages under §§ 3-301 through 3-308 of the Labor and Employment Article shall be  
18 instituted within 3 years after the performance of the act on which the prosecution is based.

19 8-102.

20 (b) A citizen may not be excluded from jury service due to color, disability,  
21 economic status, national origin, race, religion, [or] sex, **SEXUAL ORIENTATION, OR**  
22 **GENDER IDENTITY**.

### 23 **Article – Criminal Law**

24 2-207.

25 (c) The discovery or perception of, or belief about, another person's race, color,  
26 national origin, sex, gender identity, [or] sexual orientation, **RELIGIOUS BELIEFS, OR**  
27 **DISABILITY**, whether or not accurate, does not constitute legally adequate provocation to  
28 mitigate a killing from the crime of murder to manslaughter.

29 3-209.

30 (b) The discovery or perception of, or belief about, another person's race, color,  
31 national origin, sex, gender identity, [or] sexual orientation, **RELIGIOUS BELIEFS, OR**  
32 **DISABILITY**, whether or not accurate, is not a defense to the crime of assault in any degree.

1 10–304.

2 Motivated either in whole or in substantial part by another person’s or group’s race,  
3 color, religious beliefs, sexual orientation, [gender] **SEX**, gender identity, disability, or  
4 national origin, or because another person or group is homeless, a person may not:

5 (1) (i) commit a crime or attempt or threaten to commit a crime against  
6 that person or group;

7 (ii) deface, damage, or destroy, or attempt or threaten to deface,  
8 damage, or destroy the real or personal property of that person or group;

9 (iii) burn or attempt or threaten to burn an object on the real or  
10 personal property of that person or group; or

11 (iv) make or cause to be made a false statement, report, or complaint  
12 that the person knows to be false as a whole or in material part, to a law enforcement officer  
13 of the State, of a county, municipal corporation, or other political subdivision of the State,  
14 or of the Maryland–National Capital Park and Planning Police, about that person or group,  
15 with the intent to deceive and to cause an investigation or other action to be taken as a  
16 result of the statement, report, or complaint, in violation of § 9–501 of this article; or

17 (2) commit a violation of item (1) of this section that:

18 (i) except as provided in item (ii) of this item, involves a separate  
19 crime that is a felony; or

20 (ii) results in the death of a victim.

21 10–305.

22 A person may not deface, damage, or destroy, attempt or threaten to deface, damage,  
23 or destroy, burn or attempt or threaten to burn an object on, or damage the real or personal  
24 property connected to a building that is publicly or privately owned, leased, or used,  
25 including a cemetery, library, meeting hall, recreation center, or school:

26 (1) because a person or group of a particular race, color, religious belief,  
27 sexual orientation, [gender] **SEX**, gender identity, disability, or national origin, or because  
28 a person or group that is homeless, has contacts or is associated with the building; or

29 (2) if there is evidence that exhibits animosity against a person or group,  
30 because of the race, color, religious beliefs, sexual orientation, [gender] **SEX**, gender  
31 identity, disability, or national origin of that person or group or because that person or  
32 group is homeless.

1 6–104.

2 (b) The State Superintendent, a county board, a county superintendent, or an  
3 assistant to any one of these may not make any distinction or discriminate in favor of or  
4 against any public school employee of this State because of race, religion, color, ancestry or  
5 national origin, sex, age, marital status, sexual orientation, **GENDER IDENTITY**, or  
6 disability unrelated in nature and extent so as to reasonably preclude the performance of  
7 the employment except, as to sex, if the employment of a certain sex is reasonably necessary  
8 because of the nature of the employment.

9 7–128.

10 (c) Each middle and high school shall seek to enroll each student in the next most  
11 rigorous subject matter course in accordance with subsection (b) of this section without  
12 regard to the student's race, ethnicity, [gender] **SEX, SEXUAL ORIENTATION, GENDER**  
13 **IDENTITY**, address, disability status, socioeconomic status, or the language spoken in the  
14 student's home.

15 23–605.

16 (a) (2) An employee organization that submits a petition to the Director under  
17 paragraph (1) of this subsection may not discriminate with regard to terms or conditions of  
18 membership because of [gender] **SEX, DISABILITY, MARITAL STATUS**, color, creed, race,  
19 national origin, religion, sexual [preference] **ORIENTATION**, gender identity, or political  
20 affiliation.

21 23–806.

22 (a) (3) The petition shall contain:

23 (iii) A statement that the employee organization has no terms or  
24 conditions of membership that discriminate with regard to race, color, creed, [gender] **SEX,**  
25 **SEXUAL ORIENTATION, GENDER IDENTITY**, age, political affiliation, national origin,  
26 religion, marital status, or disability; and

27 **Article – Health – General**

28 19–408.

29 (b) A home health agency may not withhold any home health care services from  
30 an individual because of the individual's age, sex, **SEXUAL ORIENTATION, GENDER**  
31 **IDENTITY, DISABILITY, RACE**, color, creed, national origin, source of payment, or ability  
32 to pay.

33 19–710.

1 (h) (1) The procedures for offering health care services and offering and  
 2 terminating contracts to subscribers may not discriminate unfairly on the basis of age, sex,  
 3 **SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY**, race, health, or economic  
 4 status. [This]

5 (2) **THE** requirement **UNDER PARAGRAPH (1) OF THIS SUBSECTION**  
 6 does not prohibit:

7 [(1)] (I) Reasonable underwriting classifications for establishing contract  
 8 rates; or

9 [(2)] (II) Experience rating.

10 19–725.

11 (a) A health maintenance organization may not cancel the enrollment of a  
 12 member or refuse to transfer a member from a group to an individual basis because of age,  
 13 sex, **SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY**, race, or health status.

#### 14 **Article – Health Occupations**

15 14–5F–10.

16 (c) The Board may not discriminate, in any manner, against any applicant or  
 17 licensee for reason of sex, age, race, color, creed, sexual orientation, gender identity,  
 18 **DISABILITY**, or national origin.

19 19–311.

20 Subject to the hearing provisions of § 19–312 of this subtitle, the Board may deny a  
 21 license to any applicant, fine a licensee, reprimand any licensee, place any licensee on  
 22 probation, or suspend or revoke a license if the applicant or licensee:

23 (15) Refuses, withholds from, denies, or discriminates against an individual  
 24 with regard to the provision of professional services on the basis of race, age, [gender] **SEX**,  
 25 sexual orientation, **GENDER IDENTITY**, disability, religion, ethnic origin, or HIV status;

#### 26 **Article – Housing and Community Development**

27 16–305.

28 (a) An employee organization that is certified or that seeks certification as an  
 29 exclusive representative shall submit to the labor relations administrator a copy of the  
 30 employee organization’s constitution and bylaws and any amendment to them.



1 (b) The constitution or bylaws shall include:

2 (1) a pledge that the employee organization accepts members without  
3 regard to age, marital status, national origin, race, religion, disabilities, **SEX**, sexual  
4 orientation, or gender **IDENTITY**;

5 (2) the right of members to participate in the affairs of the employee  
6 organization;

7 (3) procedures for periodic elections of officers by secret ballot;

8 (4) fair procedures governing disciplinary actions;

9 (5) procedures for the accurate accounting of all income and expenditures;

10 (6) a requirement that a certified annual financial report be produced; and

11 (7) the right of members to inspect the employee organization's accounts.

## 12 Article – Human Services

13 8–707.

14 (b) A contract awarded or renewed between an agency and a provider shall  
15 require the provider to:

16 (1) post conspicuously a “Residents’ Bill of Rights” in the facility of the  
17 provider stating that a resident has a right:

18 (viii) not to be discriminated against on the basis of race, color,  
19 religion, national origin, sex, age, marital status, personal appearance, sexual orientation,  
20 **GENDER IDENTITY**, familial status, family responsibilities, matriculation, political  
21 affiliation, disability, source of income, or place of residence or business; and

## 22 Article – Insurance

23 15–112.

24 (h) A carrier may not deny an application for participation or terminate  
25 participation on its provider panel on the basis of:

26 (1) **[gender] SEX, SEXUAL ORIENTATION, GENDER IDENTITY**, race, age,  
27 religion, national origin, or a protected category under the federal Americans with  
28 Disabilities Act;

29 27–910.

1 (b) A health network may not deny health care services to an enrollee on the basis  
2 of [gender] **SEX, SEXUAL ORIENTATION, GENDER IDENTITY**, race, age, religion, national  
3 origin, or a protected category under the Americans with Disabilities Act.

4 **Article – Labor and Employment**

5 3–304.

6 (a) In this section, “providing less favorable employment opportunities” means:

7 (1) assigning or directing the employee into a less favorable career track, if  
8 career tracks are offered, or position;

9 (2) failing to provide information about promotions or advancement in the  
10 full range of career tracks offered by the employer; or

11 (3) limiting or depriving an employee of employment opportunities that  
12 would otherwise be available to the employee but for the employee’s sex or gender identity.

13 (b) (1) An employer may not discriminate between employees in any  
14 occupation by:

15 (i) paying a wage to employees [of one sex or gender identity] at a  
16 rate less than the rate paid to **OTHER** employees [of another sex or gender identity] if  
17 [both] **THE** employees work in the same establishment and perform work of comparable  
18 character or work on the same operation, in the same business, or of the same type **AND**  
19 **THE PAY DIFFERENCE IS BASED ON THE RACE, RELIGIOUS BELIEFS, SEX, GENDER**  
20 **IDENTITY, OR SEXUAL ORIENTATION OF THE EMPLOYEES**; or

21 (ii) providing less favorable employment opportunities based on sex,  
22 **RACE, RELIGIOUS BELIEFS, SEXUAL ORIENTATION, DISABILITY**, or gender identity.

23 (2) For purposes of paragraph (1)(i) of this subsection, an employee shall  
24 be deemed to work at the same establishment as another employee if the employees work  
25 for the same employer at workplaces located in the same county of the State.

26 (c) Except as provided in subsection (d) of this section, subsection (b) of this  
27 section does not prohibit a variation in a wage that is based on:

28 (1) a seniority system that does not discriminate on the basis of sex or  
29 gender identity;

30 (2) a merit increase system that does not discriminate on the basis of sex  
31 or gender identity;

32 (3) jobs that require different abilities or skills;

1 (4) jobs that require the regular performance of different duties or services;

2 (5) work that is performed on different shifts or at different times of day;

3 (6) a system that measures performance based on a quality or quantity of  
4 production; or

5 (7) a bona fide factor other than sex or gender identity, including education,  
6 training, or experience, in which the factor:

7 (i) is not based on or derived from a gender-based differential in  
8 compensation;

9 (ii) is job related with respect to the position and consistent with a  
10 business necessity; and

11 (iii) accounts for the entire differential.

12 (d) This section does not preclude an employee from demonstrating that an  
13 employer's reliance on an exception listed in subsection (c) of this section is a pretext for  
14 discrimination on the basis of sex [or], **SEXUAL ORIENTATION**, gender identity, **RACE, OR**  
15 **DISABILITY**.

16 (e) An employer who is paying a wage in violation of this subtitle may not reduce  
17 another wage to comply with this subtitle.

18 3-307.

19 (a) (1) If an employer knew or reasonably should have known that the  
20 employer's action violates § 3-304 of this subtitle, an affected employee may bring an action  
21 against the employer for injunctive relief and to recover the difference between the wages  
22 paid to employees of one sex [or], **SEXUAL ORIENTATION**, gender identity, **OR RACE, OR**  
23 **WHO HAVE A DISABILITY** and the wages paid to employees of another sex [or], **SEXUAL**  
24 **ORIENTATION, gender identity, OR RACE, OR WHO DO NOT HAVE A DISABILITY** who do  
25 the same type work and an additional equal amount as liquidated damages.

## 26 Article – Land Use

27 16-204.

28 (a) An employee organization that is certified or that seeks certification as an  
29 exclusive representative under this subtitle shall submit to the labor relations  
30 administrator:

31 (1) a copy of the employee organization's constitution and bylaws; and

1 (2) any change in the constitution or bylaws.

2 (b) The constitution or bylaws shall include:

3 (1) a pledge that the employee organization accepts members without  
4 regard to age, marital status, national origin, race, religion, disability, **SEX**, sexual  
5 orientation, or gender **IDENTITY**;

6 (2) the right of members to participate in the affairs of the employee  
7 organization;

8 (3) procedures for periodic elections of officers by secret ballot;

9 (4) fair procedures governing disciplinary actions;

10 (5) procedures for the accurate accounting of income and expenditures;

11 (6) a requirement that a certified annual financial report be produced; and

12 (7) the right of members to inspect the organization's accounts.

13 16-304.

14 (b) The constitution or bylaws shall include:

15 (1) a pledge that the employee organization accepts members without  
16 regard to age, race, [gender] **SEX**, **SEXUAL ORIENTATION**, **GENDER IDENTITY**, religion,  
17 marital status, or national origin;

18 (2) the right of members to participate in the affairs of the employee  
19 organization;

20 (3) procedures for periodic elections of officers by secret ballot;

21 (4) fair procedures governing disciplinary actions;

22 (5) procedures for the accurate accounting of income and expenditures;

23 (6) a requirement that an annual financial report be produced; and

24 (7) the right of members to inspect the employee organization's accounts.

25 **Article – Public Utilities**

26 7-507.

27 (h) (1) An electricity supplier may not discriminate against any customer

1 based wholly or partly on race, color, creed, national origin, **GENDER IDENTITY**,  
2 **DISABILITY, SEXUAL ORIENTATION**, or sex of an applicant for service or for any arbitrary,  
3 capricious, or unfairly discriminatory reason.

4 18–204.

5 (a) An employee organization that is certified or that seeks certification as an  
6 exclusive representative under this subtitle shall submit to the labor relations  
7 administrator:

8 (1) a copy of the employee organization’s constitution and bylaws; and

9 (2) any subsequent change in the employee organization’s constitution or  
10 bylaws.

11 (b) The constitution or bylaws shall include:

12 (1) a pledge that the employee organization accept members without  
13 regard to age, marital status, national origin, race, religion, disability, sexual orientation,  
14 **SEX**, or gender **IDENTITY**;

15 (2) the right of members to participate in the affairs of the employee  
16 organization;

17 (3) procedures for periodic elections for officers by secret ballot;

18 (4) fair procedures governing disciplinary actions;

19 (5) procedures for the accurate accounting of all income and expenditures;

20 (6) a requirement that an independent annual financial report be  
21 produced; and

22 (7) the right of members to inspect the organization’s accounts.

### 23 **Article – Real Property**

24 8A–801.

25 (b) A park owner or operator of a mobile home park, or his agent or employee,  
26 may not refuse, withhold from, or deny to any person any of the accommodations,  
27 advantages, facilities, or privileges of the mobile home park or leases to the premises  
28 because of race, creed, color, sex, **SEXUAL ORIENTATION, GENDER IDENTITY**, or national  
29 origin of that person.

### 30 **Article – State Finance and Procurement**

1 13-219.

2 (c) The nondiscrimination clause shall:

3 (1) prohibit discrimination in any manner by the contractor against an  
4 employee or applicant for employment because of sex, **SEXUAL ORIENTATION, GENDER**  
5 **IDENTITY, DISABILITY**, race, age, color, creed, or national origin;

6 19-101.

7 (a) It is the policy of the State not to enter into a contract with any business entity  
8 that has discriminated in the solicitation, selection, hiring, or commercial treatment of  
9 vendors, suppliers, subcontractors, or commercial customers on the basis of race, color,  
10 religion, ancestry or national origin, sex, age, marital status, sexual orientation, **GENDER**  
11 **IDENTITY**, or on the basis of disability or any otherwise unlawful use of characteristics  
12 regarding the vendor's, supplier's, or commercial customer's employees or owners.

13 19-102.

14 It is the intent of the State to avoid becoming a passive participant in private sector  
15 commercial discrimination by refusing to procure goods and services from business entities  
16 that discriminate in the solicitation, selection, hiring, or commercial treatment of vendors,  
17 suppliers, subcontractors, or commercial customers on the basis of race, color, religion,  
18 ancestry or national origin, sex, age, marital status, **GENDER IDENTITY**, sexual  
19 orientation, or on the basis of disability or other unlawful forms of discrimination by  
20 providing a procedure for receiving, investigating, and resolving complaints of  
21 discrimination filed against business entities that:

22 (1) have submitted a bid or proposal; or

23 (2) have been selected to engage in, or are engaged in, providing goods or  
24 services to the State.

25 19-103.

26 (j) (1) "Discrimination" means any disadvantage, difference, distinction, or  
27 preference in the solicitation, selection, hiring, or commercial treatment of a vendor,  
28 supplier, subcontractor, or commercial customer on the basis of race, color, religion,  
29 ancestry or national origin, sex, age, marital status, sexual orientation, **GENDER**  
30 **IDENTITY**, or on the basis of disability or any otherwise unlawful use of characteristics  
31 regarding the vendor's, supplier's, or commercial customer's employees or owners.

32 19-114.

33 Every contract and subcontract shall contain a nondiscrimination clause that reads  
34 as follows:

1           “As a condition of entering into this agreement, the company represents and  
2 warrants that it will comply with the State’s Commercial Nondiscrimination Policy, as  
3 described under Title 19 of the State Finance and Procurement Article of the Annotated  
4 Code of Maryland. As part of such compliance, the company may not discriminate on the  
5 basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual  
6 orientation, **GENDER IDENTITY**, or on the basis of disability or other unlawful forms of  
7 discrimination in the solicitation, selection, hiring, or commercial treatment of  
8 subcontractors, vendors, suppliers, or commercial customers, nor shall the company  
9 retaliate against any person for reporting instances of such discrimination. The company  
10 shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in  
11 all of its public sector and private sector subcontracting and supply opportunities, provided  
12 that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to  
13 remedy the effects of marketplace discrimination that have occurred or are occurring in the  
14 marketplace. The company understands and agrees that a material violation of this clause  
15 shall be considered a material breach of this agreement and may result in termination of  
16 this agreement, disqualification of the company from participating in State contracts, or  
17 other sanctions. This clause is not enforceable by or for the benefit of, and creates no  
18 obligation to, any third party.”.

19 19–115.

20           All requests for bids or proposals issued for State contracts shall include the  
21 following certification to be completed by the bidder:

22           “The undersigned bidder hereby certifies and agrees that the following information  
23 is correct:

24           In preparing its bid on this project, the bidder has considered all proposals submitted  
25 from qualified, potential subcontractors and suppliers, and has not engaged in  
26 “discrimination” as defined in § 19–103 of the State Finance and Procurement Article of the  
27 Annotated Code of Maryland; to wit: discrimination in the solicitation, selection, or  
28 commercial treatment of any subcontractor, vendor, supplier, or commercial customer on  
29 the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual  
30 orientation, **GENDER IDENTITY**, or on the basis of disability or other unlawful forms of  
31 discrimination. Without limiting the foregoing, “discrimination” also includes retaliating  
32 against any person or other entity for reporting any incident of “discrimination”. Without  
33 limiting any other provision of the solicitation for bids on this project, it is understood and  
34 agreed that, if this certification is false, such false certification will constitute grounds for  
35 the State to reject the bid submitted by the bidder on this project, and terminate any  
36 contract awarded based on the bid. As part of its bid or proposal, the bidder shall provide  
37 to the State a list of all instances within the immediate past 4 years where there has been  
38 a final adjudicated determination in a legal or administrative proceeding in the State of  
39 Maryland that the bidder discriminated against its subcontractors, vendors, suppliers, or  
40 commercial customers, and a description of the status or resolution of that complaint,  
41 including any remedial action taken. As a condition of submitting a bid or proposal to the  
42 State, the bidder agrees to comply with the State’s Commercial Nondiscrimination Policy

1 as described under Title 19 of the State Finance and Procurement Article of the Annotated  
2 Code of Maryland.”.

3 **Article – Tax – Property**

4 8–214.

5 (a) If a country club or golf course that meets the qualifications of § 8–212 of this  
6 subtitle allows or practices discrimination based on race, color, creed, sex, **SEXUAL**  
7 **ORIENTATION, GENDER IDENTITY, DISABILITY,** or national origin in granting  
8 membership or guest privileges, the country club or golf course may not make or continue  
9 an agreement under this subtitle.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2024.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.