

A001-0910

10 AN ACT CONCERNING

20 Discriminatory Practices- Gender Identity or Expression

30 FOR the purpose of protecting transsexual and transgender individuals under the
40 Antidiscrimination Act of 2001; and prohibiting discriminatory practices based on gender
50 identity or expression.

60 BY adding to:

70 Article – Human Relations Commission
80 Section 10-20, 23(a)-38, 2-11, 17(a)-31(h), 12(t)-24 (ii)
90 Annotated Code of Maryland (2001)

100 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE,
110 that the laws of Maryland read as follows:

120 §10–20

130 IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
140 INDICATED:

150 GENDER IDENTITY OR EXPRESSION.

160 “GENDER IDENTITY OR EXPRESSION” MEANS AN INDIVIDUAL’S HAVING
170 OR BEING PERCEIVED AS HAVING A GENDER-RELATED SELF-IDENTITY,
180 SELF-IMAGE APPEARANCE, EXPRESSION, OR BEHAVIOR WHETHER OR NOT
190 THOSE GENDER-RELATED CHARACTERISTICS DIFFER FROM THOSE
200 ASSOCIATED WITH THE INDIVIDUAL’S ASSIGNED SEX AT BIRTH.

210 TRANSGENDER.

220 “TRANSGENDER” MEANS A PERSON WHO IDENTIFIES WITH OR EXPRESSES
230 A GENDER IDENTITY THAT DIFFERS FROM THE INDIVIDUAL’S ASSIGNED
240 SEX AT BIRTH.

250 TRANSSEXUAL.

260 “TRANSSEXUAL” IS AN INDIVIDUAL WHO HAS A PARTIAL OR FULL
270 REVERSAL OF SEX THAT DIFFERS FROM THE INDIVIDUAL’S ASSIGNED SEX
280 AT BIRTH. TYPICALLY THIS IS MALE-TO-FEMALE AND FEMALE-TO-MALE.

290 It is unlawful for an owner or operator of a place of public accommodation
300 or an agent or employee of the owner or operator, because of the race, creed, sex,

310 age, color, national origin, marital status, sexual orientation, GENDER
320 IDENTITY OR EXPRESSION (TRANSGENDER, TRANSSEXUAL) or
330 disability of any person, to refuse, withhold from, or deny to such person any of
340 the accommodations, advantages, facilities and privileges of such place of public
350 accommodation.

360 Nothing in this section shall be construed or interpreted to prohibit¹⁶ the proprietor of
370 any establishment, or the employees of the establishment, from the
380 right to deny service to any person for failure to conform to the usual and regular
390 requirements, standards and regulations for the establishment so long as the denial
400 is not based upon discrimination on the grounds of race, sex, age, color, creed,
410 national origin, marital status, sexual orientation, GENDER IDENTITY OR
420 EXPRESSION (TRANSGENDER, TRANSSEXUAL), or disability.

430 §23-38

440 (a) It is unlawful for any person, business, corporation, partnership, copartnership or
450 association or any other individual, agent, employee, group or firm
460 which is licensed or regulated by a unit in the Department of Labor, Licensing, and
470 Regulation as set out in § 2-108 of the Business Regulation Article to refuse, withhold
480 from, deny or discriminate against any person the accommodations, advantages,
490 facilities, privileges, sales, or services because of the race, sex, creed, color, national
500 origin, marital status sexual orientation, GENDER IDENTITY OR
510 EXPRESSION (TRANSGENDER, TRANSSEXUAL), or disability of any person.
520 Nothing in this section shall be construed or interpreted to prohibit any person, business,
530 corporation, partnership, copartnership, association or any other individual, agent,
540 employee, group or firm which is licensed or regulated by the Department of Labor,
550 Licensing, and Regulation from the right to refuse, withhold from, or deny any person
560 for failure to conform to the usual and regular requirements, standards, and
570 regulations of any person, business, corporation, partnership, copartnership, or
580 association contemplated by this section so long as the denial is not based upon
590 discrimination on the grounds of race, sex, color, creed, [or] national origin, marital
600 status, sexual orientation, GENDER IDENTITY OR EXPRESSION
610 (TRANSGENDER, TRANSSEXUAL), or disability.

620 §2-11

630 It is hereby declared to be the policy of the State of Maryland, in the exercise of
640 its police power for the protection of the public safety, public health and general
650 welfare, for the maintenance of business and good government and for the promotion
660 of the State's trade, commerce and manufacturers to assure all persons equal
670 opportunity in receiving employment and in all labor management-union relations
680 regardless of race, color, religion, ancestry or national origin, sex, age, marital status,
690 sexual orientation, GENDER IDENTITY OR EXPRESSION (TRANSGENDER,
700 TRANSSEXUAL), or disability unrelated in nature and extent so as to reasonably
710 preclude the performance of the employment, and to that end to prohibit

720 discrimination in employment by any person, group, labor organization, organization
730 or any employer or his agents.

740 § 12(t)-24 (ii)

750 "Restrictive covenants" means any specification limiting the transfer,
760 rental, or lease of any dwelling because of race, color, religion, marital status,
770 sex, familial status, sexual orientation, GENDER IDENTITY OR EXPRESSION
780 (TRANSGENDER, TRANSSEXUAL), disability, or national origin.

790 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October
800 1, 2010.

810 **MANDATES:** Martin O'Malley, Governor
820 Michael Busch, Speaker of the House
830 Thomas V. Mike Miller, President of the Senate
840 Kumar Barve, House Majority Leader
850 Anthony O'Donnell, House Minority Leader
860 Edward Kasemeyer, Senate Majority Leader
870 David Brinkley, Senate Minority Leader

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