

HOUSE BILL 536

D5, K3

6lr1576

By: **Delegates Smith, Amprey, Boyce, Coley, Embry, Hill, Lewis, and Watson**

Introduced and read first time: January 27, 2026

Assigned to: Government, Labor, and Elections

A BILL ENTITLED

1 AN ACT concerning

2 **Employment Discrimination – Reasonable Accommodations – Disabilities Due to**
3 **Childbirth, Menopause, and Related Medical Conditions**

4 FOR the purpose of expanding certain protections against employment discrimination to
5 apply to temporary disabilities caused or contributed to by childbirth, menopause, or
6 a related medical condition; and generally relating to reasonable accommodations in
7 employment for temporary disabilities due to childbirth, menopause, and related
8 medical conditions.

9 BY repealing and reenacting, with amendments,
10 Article – State Government
11 Section 20–609
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2025 Supplement)

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

16 **Article – State Government**

17 20–609.

18 (a) **(1)** In this section[, “reasonable” **THE FOLLOWING WORDS HAVE THE**
19 **MEANINGS INDICATED.**

20 **(2)** “**REASONABLE** accommodation” means an accommodation:

21 **[(1)] (I)** for an employee’s disability caused or contributed to by
22 pregnancy, **CHILDBIRTH, MENOPAUSE, OR A RELATED MEDICAL CONDITION**; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(2)] (II) that does not impose an undue hardship on the employee's
2 employer.

3 (3) "RELATED MEDICAL CONDITION" INCLUDES:

4 (I) LACTATION OR THE NEED TO EXPRESS BREAST MILK FOR A
5 NURSING CHILD; AND

6 (II) THE NEED TO MANAGE THE EFFECTS OF VASOMOTOR
7 SYMPTOMS RELATED TO MENOPAUSE.

8 (b) Disabilities caused or contributed to by pregnancy [or], childbirth,
9 MENOPAUSE, OR A RELATED MEDICAL CONDITION:

10 (1) are temporary disabilities for all job-related purposes; and

11 (2) shall be treated as temporary disabilities under any health or
12 temporary disability insurance or sick leave plan available in connection with employment.

13 (c) Written and unwritten employment policies and practices involving matters
14 such as the commencement and duration of leave, the availability of extensions of leave,
15 the accrual of seniority and other benefits and privileges, reinstatement, and payment
16 under any health or temporary disability insurance or sick leave plan, formal or informal,
17 shall be applied to disability due to pregnancy [or], childbirth, MENOPAUSE, OR A
18 RELATED MEDICAL CONDITION on the same terms and conditions as they are applied to
19 other temporary disabilities.

20 (d) If an employee requests a reasonable accommodation, the employer shall
21 explore with the employee all possible means of providing the reasonable accommodation,
22 including:

23 (1) changing the employee's job duties;

24 (2) changing the employee's work hours;

25 (3) relocating the employee's work area;

26 (4) providing mechanical or electrical aids;

27 (5) transferring the employee to a less strenuous or less hazardous
28 position; or

29 (6) providing leave.

(e) If an employee requests a transfer to a less strenuous or less hazardous position as a reasonable accommodation, the employer shall transfer the employee for a period of time up to the duration of the employee's pregnancy if:

(1) the employer has a policy, practice, or collective bargaining agreement requiring or authorizing the transfer of a temporarily disabled employee to a less strenuous or less hazardous position for the duration of the disability; or

(2) the employee's health care provider advises the transfer and the employer can provide the reasonable accommodation by transferring the employee without:

(i) creating additional employment that the employer would not otherwise have created;

(ii) discharging any employee;

(iii) transferring any employee with more seniority than the employee requesting the reasonable accommodation; or

(iv) promoting any employee who is not qualified to perform the job.

(f) (1) An employer may require an employee to provide a certification from the employee's health care provider concerning the medical advisability of a reasonable accommodation to the same extent a certification is required for other temporary disabilities.

(2) A certification under paragraph (1) of this subsection shall include:

(i) the date the reasonable accommodation became medically advisable;

(ii) the probable duration of the reasonable accommodation; and

(iii) an explanatory statement as to the medical advisability of the reasonable accommodation.

(g) An employer shall post in a conspicuous location, and include in any employee handbook, information concerning an employee's rights to reasonable accommodations and leave for a disability caused or contributed to by pregnancy, **CHILDBIRTH, MENOPAUSE, OR A RELATED MEDICAL CONDITION.**

(h) An employer may not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section.

(i) This section may not be construed to:

1 (1) affect any other provision of law relating to discrimination on the basis
2 of sex or pregnancy; or

3 (2) diminish in any way the coverage of pregnancy, childbirth,
4 **MENOPAUSE**, or a **RELATED** medical condition [related to pregnancy or childbirth] under
5 this section.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2026.