

CHAPTER 559

(Senate Bill 77)

AN ACT concerning

Employment - Medical Questions

FOR the purpose of prohibiting certain medical questioning of job applicants; giving the [[Department of Health and Mental Hygiene]] Commissioner of Labor and Industry certain powers and duties; and providing civil relief against persons violating this act~~[[; and providing criminal penalties for violations]]~~.

BY adding to

[[Article 43 - Health
Section 54K
Annotated Code of Maryland
(1971 Replacement Volume and 1975 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That new Section 54K be and it is hereby added to Article 43 - Health, of the Annotated Code of Maryland (1971 Replacement Volume and 1975 Supplement) to read as follows:

Article 43 - Health]]

Article 100 - Work, Labor and Employment
Section 96
Annotated Code of Maryland
(1964 Replacement Volume and 1975 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That new Section 96 be and it is hereby added to Article 100 - Work, Labor and Employment, of the Annotated Code of Maryland (1964 Replacement Volume and 1975 Supplement) to read as follows:

Article 100 - Work, Labor and Employment

[[54K]] 96.

(A) AN EMPLOYER MAY NOT ASK AN APPLICANT ANY QUESTION, WRITTEN OR ORAL, PERTAINING TO ANY [[PHYSICAL, MENTAL OR EMOTIONAL]] PSYCHIATRIC OR PSYCHOLOGICAL CONDITION OR TREATMENT WHICH DOES NOT BEAR A DIRECT, MATERIAL, AND TIMELY RELATIONSHIP TO THE APPLICANT'S FITNESS OR CAPACITY TO PROPERLY PERFORM THE ACTIVITIES OR RESPONSIBILITIES OF THE DESIRED POSITION.

(B) THIS SECTION DOES NOT PROHIBIT A PROPER