

HOUSE BILL 720

L6, P4, K3

3lr1765

By: **Delegates Fisher, Adams, Arentz, Baker, Chisholm, Ciliberti, Ghrist, Grammer, Hartman, Hinebaugh, Hornberger, Hutchinson, Jacobs, R. Long, McComas, Miller, M. Morgan, T. Morgan, Nawrocki, Reilly, Rose, Schmidt, and Szeliga**

Introduced and read first time: February 7, 2023

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Prohibition on Use of Facial Recognition Services by**
3 **Employers – Application**

4 FOR the purpose of defining the term “employer” to include State and local governments
5 for the purposes of certain provisions of law that prohibit employers from using facial
6 recognition services for the purpose of creating a facial template during an
7 applicant’s interview for employment without the applicant’s consent; and generally
8 relating to the use of facial recognition services by employers.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 3–717
12 Annotated Code of Maryland
13 (2016 Replacement Volume and 2022 Supplement)

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

16 **Article – Labor and Employment**

17 3–717.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) **“EMPLOYER” INCLUDES A UNIT OF STATE OR LOCAL**
20 **GOVERNMENT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3)** “Facial recognition service” means technology that analyzes facial
2 features and is used for recognition or persistent tracking of individuals in still or video
3 images.

4 **[(3)] (4)** “Facial template” means the machine–interpretable pattern of
5 facial features that is extracted from one or more images of an individual by a facial
6 recognition service.

7 (b) An employer may not use a facial recognition service for the purpose of
8 creating a facial template during an applicant’s interview for employment unless an
9 applicant consents under subsection (c) of this section.

10 (c) (1) An applicant may consent to the use of facial recognition service
11 technology during an interview by signing a waiver.

12 (2) The waiver signed under paragraph (1) of this subsection shall state in
13 plain language:

- 14 (i) the applicant’s name;
- 15 (ii) the date of the interview;
- 16 (iii) that the applicant consents to the use of facial recognition during
17 the interview; and
- 18 (iv) whether the applicant read the consent waiver.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2023.