

Chapter 446

(House Bill 1202)

AN ACT concerning

Labor and Employment – Use of Facial Recognition Services – Prohibition

FOR the purpose of prohibiting an employer from using certain facial recognition services during an applicant’s interview for employment unless the applicant consents under a certain provision of this Act; authorizing an applicant to consent to the use of certain facial recognition service technologies during an interview by signing a waiver; providing for the contents of a certain waiver; defining certain terms; and generally relating to employer use of facial recognition service technologies during job interviews.

BY adding to

Article – Labor and Employment

Section 3–717

Annotated Code of Maryland

(2016 Replacement Volume and 2019 Supplement)

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

Article – Labor and Employment

3–717.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FACIAL RECOGNITION SERVICE” MEANS TECHNOLOGY THAT ANALYZES FACIAL FEATURES AND IS USED FOR RECOGNITION OR PERSISTENT TRACKING OF INDIVIDUALS IN STILL OR VIDEO IMAGES.

(3) “FACIAL TEMPLATE” MEANS THE MACHINE–INTERPRETABLE PATTERN OF FACIAL FEATURES THAT IS EXTRACTED FROM ONE OR MORE IMAGES OF AN INDIVIDUAL BY A FACIAL RECOGNITION SERVICE.

(B) AN EMPLOYER MAY NOT USE A FACIAL RECOGNITION SERVICE FOR THE PURPOSE OF CREATING A FACIAL TEMPLATE DURING AN APPLICANT’S INTERVIEW FOR EMPLOYMENT UNLESS AN APPLICANT CONSENTS UNDER SUBSECTION (C) OF THIS SECTION.

(C) (1) AN APPLICANT MAY CONSENT TO THE USE OF FACIAL RECOGNITION SERVICE TECHNOLOGY DURING AN INTERVIEW BY SIGNING A WAIVER.

(2) THE WAIVER SIGNED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL STATE IN PLAIN LANGUAGE:

(I) THE APPLICANT’S NAME;

(II) THE DATE OF THE INTERVIEW;

(III) THAT THE APPLICANT CONSENTS TO THE USE OF FACIAL RECOGNITION DURING THE INTERVIEW; AND

(IV) WHETHER THE APPLICANT READ THE CONSENT WAIVER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.