HOUSE BILL 1202

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By: **Delegates M. Fisher, Adams, Arentz, D.E. Davis, Howard, Miller, and Qi**
Introduced and read first time: February 7, 2020
Assigned to: Economic Matters

Committee Report: Favorable
House action: Adopted
Read second time: March 9, 2020

CHAPTER _____

1 AN ACT concerning

2 **Labor and Employment – Use of Facial Recognition Services – Prohibition**

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

10 BY adding to
11   Article – Labor and Employment
12   Section 3–717
13   Annotated Code of Maryland
14   (2016 Replacement Volume and 2019 Supplement)

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

17 **Article – Labor and Employment**

18 **3–717.**

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

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

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

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

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

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

15   **(I)**   THE APPLICANT'S NAME;

16   **(II)**   THE DATE OF THE INTERVIEW;

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

19   **(IV)** WHETHER THE APPLICANT READ THE CONSENT WAIVER.

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

Approved:

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                                                 Governor.

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                              Speaker of the House of Delegates.

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                                    President of the Senate.