

# SENATE BILL 328

K3  
SB 468/17 – FIN

9lr0675  
CF HB 38

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By: **Senators Smith, Augustine, Carter, Elfreth, Ellis, Ferguson, Griffith, Hayes, Hester, Kramer, Lam, Lee, McCray, Rosapepe, and Waldstreicher**

Introduced and read first time: January 30, 2019

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Noncompete and Conflict of Interest Clauses**

3 FOR the purpose of providing that certain noncompete and conflict of interest provisions  
4 are null and void as being against the public policy of the State; providing for the  
5 application of this Act; and generally relating to noncompete and conflict of interest  
6 clauses in employment.

7 BY adding to

8 Article – Labor and Employment

9 Section 3–716

10 Annotated Code of Maryland

11 (2016 Replacement Volume and 2018 Supplement)

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

14 **Article – Labor and Employment**

15 **3–716.**

16 **(A) THIS SECTION APPLIES:**

17 **(1) TO AN EMPLOYMENT CONTRACT OR A SIMILAR DOCUMENT OR**  
18 **AGREEMENT CONCERNING AN EMPLOYEE WHO EARNS EQUAL TO OR LESS THAN:**

19 **(I) \$15 PER HOUR; OR**

20 **(II) \$31,200 ANNUALLY; AND**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) WHETHER OR NOT THE EMPLOYER AND EMPLOYEE ENTERED INTO**  
2 **THE EMPLOYMENT CONTRACT OR SIMILAR DOCUMENT OR AGREEMENT IN THE**  
3 **STATE.**

4           **(B) A NONCOMPETE OR CONFLICT OF INTEREST PROVISION IN AN**  
5 **EMPLOYMENT CONTRACT OR A SIMILAR DOCUMENT OR AGREEMENT THAT**  
6 **RESTRICTS THE ABILITY OF AN EMPLOYEE TO ENTER INTO EMPLOYMENT WITH A**  
7 **NEW EMPLOYER OR TO BECOME SELF-EMPLOYED IN THE SAME OR SIMILAR**  
8 **BUSINESS OR TRADE SHALL BE NULL AND VOID AS BEING AGAINST THE PUBLIC**  
9 **POLICY OF THE STATE.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2019.