

HOUSE BILL 1019

D5

5lr2898

By: **Delegate Schmidt**

Introduced and read first time: February 3, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Human Relations – Protection of the Free Exercise of Religion**

3 FOR the purpose of prohibiting a governmental authority, under certain circumstances,
4 from burdening a person’s exercise of religion; authorizing a person aggrieved by a
5 violation of this Act to obtain certain relief in a civil action; and generally relating to
6 the protection of religious freedom.

7 BY adding to

8 Article – State Government

9 Section 20–1301 through 20–1305 to be under the new subtitle “Subtitle 13.
10 Religious Freedom”

11 Annotated Code of Maryland

12 (2021 Replacement Volume and 2024 Supplement)

13 Preamble

14 WHEREAS, The framers of the U.S. Constitution and the people of this State,
15 recognizing free exercise of religion as an inalienable right, secured its protection in the
16 First Amendment to the U.S. Constitution and in Article 36 of the Declaration of Rights of
17 the Maryland Constitution, respectively; and

18 WHEREAS, In *City of Boerne v. Flores*, the U.S. Supreme Court held that the
19 compelling interest test provided for in the federal Religious Freedom Restoration Act to
20 protect the inalienable constitutional right of free exercise of religion must be adopted by a
21 state through legislative act or court decision in order to apply to state or local government
22 action; and

23 WHEREAS, The Senate of Maryland and the House of Delegates of Maryland have
24 determined that the same compelling interest test provided for in the federal Religious
25 Freedom Restoration Act applies to the State and local governments in Maryland; now,
26 therefore,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – State Government**

4 **SUBTITLE 13. RELIGIOUS FREEDOM.**

5 **20–1301.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) “COMPELLING GOVERNMENTAL INTEREST” MEANS AN INTEREST
9 ARISING FROM A SUBSTANTIAL THREAT TO PUBLIC HEALTH, SAFETY, PEACE,
10 ORDER, OR GENERAL WELFARE.

11 (C) “EXERCISE OF RELIGION” MEANS THE PRACTICE OR OBSERVANCE OF
12 RELIGIOUS BELIEFS, WHETHER OR NOT COMPELLED BY OR CENTRAL TO A SYSTEM
13 OF RELIGIOUS BELIEF, INCLUDING OBSERVANCE UNDER ARTICLE 36 OF THE
14 DECLARATION OF RIGHTS OF THE MARYLAND CONSTITUTION OR THE FREE
15 EXERCISE CLAUSE OF THE FIRST AMENDMENT TO THE U.S. CONSTITUTION.

16 (D) “GOVERNMENTAL ACTION” MEANS A LAW, A REGULATION, AN
17 ADMINISTRATIVE ORDER, A DECISION, A PRACTICE, OR ANY OTHER EXERCISE OF
18 GOVERNMENTAL AUTHORITY.

19 (E) “GOVERNMENTAL AUTHORITY” INCLUDES:

20 (1) THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION OR ANY
21 SUBDIVISION OF THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION; AND

22 (2) ANY OFFICIAL OR OTHER INDIVIDUAL ACTING WITHIN THE SCOPE
23 OF THEIR EMPLOYMENT BY ANY ENTITY DESCRIBED IN ITEM (1) OF THIS
24 SUBSECTION.

25 (F) “PERSON” INCLUDES:

26 (1) AN INDIVIDUAL; AND

27 (2) A RELIGIOUS ORGANIZATION, ASSOCIATION, OR CORPORATION.

28 **20–1302.**

1 **THIS SUBTITLE APPLIES TO A GOVERNMENTAL ACTION TAKEN BY A**
2 **GOVERNMENTAL AUTHORITY ON OR AFTER JULY 1, 2025, INCLUDING A**
3 **GOVERNMENTAL ACTION TAKEN PURSUANT TO A LAW, REGULATION, POLICY,**
4 **GUIDELINE, OR OTHER AUTHORITY THAT WAS IN EFFECT PRIOR TO JULY 1, 2025,**
5 **UNLESS STATE LAW EXPRESSLY EXCLUDES THAT GOVERNMENTAL ACTION FROM**
6 **COVERAGE UNDER THIS SUBTITLE.**

7 **20-1303.**

8 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**
9 **GOVERNMENTAL AUTHORITY MAY NOT SUBSTANTIALLY BURDEN A PERSON'S**
10 **EXERCISE OF RELIGION EVEN IF THE BURDEN RESULTS FROM A RULE OF GENERAL**
11 **APPLICABILITY.**

12 **(B) A GOVERNMENTAL AUTHORITY MAY SUBSTANTIALLY BURDEN A**
13 **PERSON'S EXERCISE OF RELIGION ONLY IF IT DEMONSTRATES THAT APPLICATION**
14 **OF THE BURDEN TO THE PERSON IS:**

15 **(1) IN FURTHERANCE OF A COMPELLING GOVERNMENTAL INTEREST;**
16 **AND**

17 **(2) THE LEAST RESTRICTIVE MEANS OF FURTHERING THAT**
18 **COMPELLING GOVERNMENTAL INTEREST.**

19 **20-1304.**

20 **(A) A PERSON AGGRIEVED BY A VIOLATION OF THIS SUBTITLE MAY OBTAIN**
21 **APPROPRIATE RELIEF IN A CIVIL ACTION IN A COURT OF COMPETENT**
22 **JURISDICTION.**

23 **(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, APPROPRIATE RELIEF**
24 **UNDER THIS SUBTITLE MAY INCLUDE:**

25 **(1) INJUNCTIVE RELIEF; AND**

26 **(2) COMPENSATORY DAMAGES INCLUDING REASONABLE ATTORNEY'S**
27 **FEES.**

28 **(C) A PERSON AGGRIEVED BY A VIOLATION OF THIS SUBTITLE BY AN**
29 **OFFICIAL OR EMPLOYEE OF AN ENTITY DESCRIBED IN § 20-1301(E)(1) OF THIS**
30 **SUBTITLE MAY SEEK:**

1 **(1) INJUNCTIVE RELIEF AGAINST THE OFFICIAL, EMPLOYEE, OR THE**
2 **ENTITY BY WHICH THE OFFICIAL OR EMPLOYEE IS EMPLOYED;**

3 **(2) COMPENSATORY DAMAGES AGAINST THE ENTITY BY WHICH THE**
4 **OFFICIAL OR EMPLOYEE IS EMPLOYED; AND**

5 **(3) IF THE OFFICIAL OR EMPLOYEE WAS ACTING CLEARLY OUTSIDE**
6 **THE SCOPE OF THEIR EMPLOYMENT, COMPENSATORY DAMAGES AGAINST THE**
7 **OFFICIAL OR EMPLOYEE.**

8 **(D) THE RIGHTS ESTABLISHED UNDER THIS SUBTITLE MAY BE RAISED BY A**
9 **PLAINTIFF IN AN ACTION FOR RELIEF UNDER THIS SECTION OR AS A DEFENSE TO AN**
10 **ACTION.**

11 **(E) A CLAIM FOR DAMAGES BROUGHT UNDER THIS SUBTITLE IS SUBJECT**
12 **TO:**

13 **(1) THE LOCAL GOVERNMENT TORT CLAIMS ACT UNDER TITLE 5,**
14 **SUBTITLE 3 OF THE COURTS ARTICLE; OR**

15 **(2) THE MARYLAND TORT CLAIMS ACT UNDER TITLE 12, SUBTITLE 1**
16 **OF THIS ARTICLE.**

17 **20-1305.**

18 **(A) (1) IN THIS SUBSECTION, “PROVIDING” DOES NOT INCLUDE THE**
19 **DENIAL OF FUNDING, BENEFITS, OR EXEMPTIONS.**

20 **(2) THIS SUBTITLE MAY NOT BE CONSTRUED TO PROHIBIT ANY**
21 **GOVERNMENTAL ACTION PROVIDING FUNDING, BENEFITS, OR EXEMPTIONS TO THE**
22 **EXTENT PERMITTED UNDER THE MARYLAND DECLARATION OF RIGHTS OR THE**
23 **MARYLAND CONSTITUTION.**

24 **(B) THIS SUBTITLE MAY NOT BE CONSTRUED TO AFFECT, INTERPRET, OR**
25 **ADDRESS IN ANY WAY THE SUBSTANCE OF THE MARYLAND DECLARATION OF**
26 **RIGHTS OR THE MARYLAND CONSTITUTION.**

27 **(C) THE PROTECTION OF RELIGIOUS LIBERTY PROVIDED UNDER THIS**
28 **SUBTITLE IS IN ADDITION TO, AND DOES NOT REDUCE, THE PROTECTIONS PROVIDED**
29 **UNDER THE MARYLAND DECLARATION OF RIGHTS OR THE MARYLAND**
30 **CONSTITUTION.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
32 1, 2025.