

# HOUSE BILL 356

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HB 1019/25 – HGO

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By: **Delegates Schmidt and Rosenberg**

Introduced and read first time: January 19, 2026

Assigned to: Government, Labor, and Elections

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## 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 2025 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 Maryland House of Delegates 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,

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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 THE INDIVIDUAL’S 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, 2026, 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, 2026,  
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 THE GOVERNMENTAL AUTHORITY  
14 DEMONSTRATES THAT APPLICATION 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:

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:

17 20-1305.

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

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, 2026.