



NFIB-Maryland – 60 West St., Suite 101 – Annapolis, MD 21401 – www.NFIB.com/Maryland

TO: House Economic Matters Committee

FROM: NFIB – Maryland

DATE: February 28, 2024

RE: **OPPOSE HOUSE BILL 802** – Labor and Employment – Mandatory Meetings on Religious and Political Matters – Employee Attendance and Participation

Founded in 1943, NFIB is the voice of small business, advocating on behalf of America's small and independent business owners, both in Washington, D.C., and in all 50 state capitals. With more than 250,000 members nationwide, and nearly 4,000 here in Maryland, we work to protect and promote the ability of our members to grow and operate their business.

On behalf of Maryland's small businesses, NFIB-Maryland opposes House Bill 802 – legislation prohibiting employers from communicating certain things to their employees.

This legislation, while claiming to protect free speech, would actually create constraints on the free speech rights of Maryland employers. The language in this bill prohibits employers from discussing legislation that could impact the operation of a small business, along with the job security of their workforce. This would include communicating how regulations will affect a small business and the workers' jobs.

Additionally, a similar piece of legislation adopted in Connecticut now faces a federal lawsuit. The plaintiffs argue that the law violates the guarantee of free speech and equal protection rights under the Constitution. The plaintiffs in the case also state that Connecticut's law conflicts with First Amendment and NLRA precedents regarding employer free speech rights. In 2008, a similar California law was challenged in *Chamber of Commerce of the U.S. v. Brown* and the Supreme Court struck down the law (7-2). The Court states it was preempted by federal law.

In June of 2023, a federal judge denied the state of Connecticut's motion to dismiss the challenge to the Connecticut law. A similar law in Minnesota has been recently challenged as well. Maryland should not consider advancing this legislation until the courts decide whether this proposal is even legal. The handful of states that passed this legislation (Maine and New York) are considering whether to follow Minnesota's and

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Connecticut's lead and file legal challenges. Maryland should anticipate a similar legal challenge if House Bill 802 becomes law.

For these reasons **NFIB opposes HB802** and requests an unfavorable committee report.