



# AMERICAN ATHEISTS

March 4, 2025

The Honorable Del. Joseline A. Pena-Melnyk  
Chair, House Health and Government Operations  
6 Bladen Street  
Annapolis, Maryland 21404

**Re: OPPOSE HB 1019, Undermining Religious Equality in Maryland**

Dear Chairperson Pena-Melnyk and Members of the House Health and Government Operations Committee:

As a Maryland resident and the Director of Grassroots Organizing & Advocacy for American Atheists, which has over 1,000 constituents in Maryland, I write in opposition to HB 1019. This dangerous legislation would undermine religious equality in Maryland, just as similar laws have done in other states. Because HB 1019 would interfere with the constitutional rights of all Marylanders, I strongly urge you to oppose this bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheists are accepted as members of our nation’s communities and where bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building, and work to end the stigma associated with being an atheist in America. Religious liberty is an individual right guaranteed by the First Amendment, and American Atheists opposes efforts to privilege religion while undermining equality and justice for all.

HB 1019 is a “Religious Freedom Restoration Act,” or RFRA, which provides that government action may only burden religious exercise if it meets a stringent legal test. In order to meet this test, the government must show that its action was narrowly tailored to meet a compelling government interest and the action taken was the least restrictive means available. This is the most difficult test that courts impose in constitutional law, and it is a burden that the government rarely meets.

While RFRA laws were originally introduced at the federal and state level to protect religious exercise, in recent years RFRA language has been used in increasingly broad ways that its original supporters and sponsors would never have imagined, including trumping nondiscrimination, public health, and safety laws.<sup>1</sup>

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<sup>1</sup> For example, in its decision in *Burwell v. Hobby Lobby*, 573 US 682 (2014), the US Supreme Court relied upon the federal RFRA to both declare that certain types of businesses have religious freedom rights and that those rights may take priority over the right of employees to receive benefits, in this case depriving the employees of contraceptive coverage.

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Freedom of religion is a fundamental right already safeguarded by both the U.S. Constitution and the Maryland Constitution to ensure the protection of individual beliefs.<sup>2</sup> However, these protections do not create a special right for religious individuals and organizations to violate neutral laws or discriminate against groups they disfavor. HB 1019 would, under the guise of religious freedom, create broad exemptions to a range of neutral laws to privilege religious organizations at the expense of everyone else. For example, this bill would allow religious individuals and faith-based organizations to evade nondiscrimination laws enacted to protect vulnerable Americans, just as Virginia's RFRA was weaponized against a state LGBTQ+ nondiscrimination law.<sup>3</sup> The rule of law is important, and lawmakers must not create loopholes and exemptions that allow certain constituencies to pick and choose which laws they wish to follow. We should all be held to and protected by the same laws — regardless of our religious beliefs or lack thereof.

American Atheists opposes HB 1019 because it violates the principle of religious equality, the fundamental principle that one's religious identity should neither directly nor indirectly affect their civil rights under the law. Instead of promoting religious equality, this bill would establish a new principle: that only religious people and organizations may claim exemption from laws and policies that conflict with their beliefs. As Justice Antonin Scalia wrote in his *Employment Division v. Smith* opinion, such a principle would be “a constitutional anomaly.”<sup>4</sup>

This legislation threatens to radically and unnecessarily rebalance state law to grant extraordinary privileges to religion. HB 1019 would establish an across-the-board exemption that permits discrimination by making religious exercise a state-favored class of activity. We urge you to uphold constitutional principles, defend Marylanders' individual liberties, and reject this bill.

Should you have any questions regarding American Atheists' opposition to HB 1019, please contact Victoria Anderson, State Policy Counsel for American Atheists, at [vanderson@atheists.org](mailto:vanderson@atheists.org).

Sincerely,



Sam McGuire  
Director of Grassroots Organizing & Advocacy  
American Atheists

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<sup>2</sup> M.D. Const., art. XXXVI.

<sup>3</sup> *Updegrove v. Herring*, 1:20-cv-01141-CMH-JFA, Defendant's Combined Opposition to Preliminary Injunction and Memorandum in Support of Motion to Dismiss (E.D. Va. 2020). Available at <https://www.oag.state.va.us/files/2020/2020-11-16-Updegrove-Combined-Brief.pdf>

<sup>4</sup> *Employment Division, Department of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990) (internal citations omitted).