

February 24, 2025

The Honorable Chair Senator William C. Smith, Jr.

Chairman, Judicial Proceedings Committee

2 East Miller Senate Office Building

11 Bladen Street

Annapolis, MD 21401

**RE: OPPOSITION of Senate Bill 07091**

(Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act)) - **UNFAVORABLE**

Dear Chair Smith and Judicial Proceedings Committee Members,

My name is Julia Boscov-Ellen, I am a MD resident and I am writing to urge you to vote unfavorably on House Bill 1081/Senate Bill 0709. Masks are a shield, not a weapon. There are no revisions to this bill or exemptions that could be made that would effectively mitigate the harm it will cause, especially to the disabled community. No version of a punishment for wearing masks is acceptable. Anti-mask laws will only increase mask stigma, where there is already an enormous amount of harassment and discrimination against mask-wearers—who are statistically more likely to be from from vulnerable groups (disabled, queer, and BIPOC communities).

Everybody has a right to protect their health regardless of their current medical status, but no version of this bill can guarantee that all reasons will be equally respected. You don't need an existing medical condition to want to avoid a disabling infection. Health exemptions for mask bans are impractical and unfair to enforce. The logistical challenges of verifying exemptions would result in inconsistent application and abuse, creating a civil rights and public health crisis. "Affirmative defenses" cannot undo the harm caused by asking someone to unmask and risking infection. This is especially true right now, as the Maryland Department of Health recommends masking due to high hospitalization rates for COVID, influenza, and RSV. Long Covid has already disabled millions of Americans, and we are entering dangerous territory with H5N1.

The proposed bill will also escalate biased law enforcement, which already disproportionately harms Marylanders who are Black, Indigenous, and/or People of Color (BIPOC). It will not keep any group safer from harassment than the laws already in place do. And this legislation will create a chilling effect on anyone who simply wants to protect themselves from illness or pollution as they go about their lives. Many already admit to unmasking out of social pressure, because the animosity is so strong. Masked people aren't emboldened to harass others; they're harassed.

For these reasons and more I ask that the Senate Judicial Proceedings Committee give SB0706 an unfavorable report.