

WRITTEN TESTIMONY
OPPOSITION TO SENATE BILL SB0709 (HOUSE BILL 1081)
CRIMINAL LAW – MASKED INTIMIDATION – PROHIBITION (UNMASK HATE ACT)

I am submitting the letter below that I submitted to the House and Senate sponsors of these bills as written testimony for this hearing. I am in opposition to Senate Bill SB0709, "Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act) - HOUSE BILL 1081 (SB0709)," as it is written for the reasons noted in my letter and in the paragraphs below.

I have an additional concern with the ambiguity of the medical defense "...to limit the spread of airborne illnesses." It is not clear if the defense would only apply to if one was wearing a mask because they were sick or if one would have an acceptable defense if worn to minimize risk to an at-risk individual at home, their family, and friends.

This is why I recommend, if the bill moves forward, that the language for medical defense be changed so that Item (6) is broadened to state that any individual may wear a mask for medical reasons and that they are not required to divulge what the specific medical reasons are. Individuals must be able to wear a mask to protect individuals at home or other family and friends.

I appreciate your consideration of my concerns.

Torre Taylor
Kensington, MD

February 18, 2025

Dear Delegate Boafu:

I am writing about the recently proposed bill, "Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act) - HOUSE BILL 1081 (SB0709)," sponsored by Delegates Boafu, Simpson, Spiegel, Toles, and Vogel. I just learned of this bill on February 17, 2025, and called the offices of the sponsors of this bill – yourself and Delegates Simpson, Spiegel, Toles, and Vogel. I expressed my adamant opposition to this bill and provided many reasons and stated I would follow up by email.

I was unable to learn of the original intent of this bill; the people I was able to reach on February 17, 2025, did not know the details other than one individual said it was related to Title VI and schools. I asked if there were not already laws on the book against harassment, intimidation, or threatening behavior. I was told there was not. My view is that all harassment, intimidation, or threatening behavior should not be allowed, not just when wearing a mask. The mask is irrelevant. The way the bill is written, if one were not wearing a mask and conducting this behavior, would they really not be committing a crime? This bill essentially criminalizes wearing a mask in public.

The law that is needed is to make it a crime to harass, intimidate, or threaten anyone. This would include this behavior against someone who is wearing a mask. I have been on the receiving end of the fake cough directed at me in the grocery store. I have read of numerous situations where people were questioned; harassed; and, in some cases, assaulted, including pulling down someone's mask; for wearing a mask.

I find this bill very concerning for many reasons. I wear n95 masks in all indoor public spaces as well as crowded outdoor spaces. I wear the mask to protect myself from respiratory viruses such as SARS2 and the flu; however, I also wear the mask to avoid breathing in fragrances people wear, air fresheners, and disinfectants (which contain chemicals that are volatile organic compounds). I get sick from these products as a result of a work-related injury from working in a very moldy and poorly ventilated government building. By the time I realized the building was what was making me sick, the damage had been done. I also wear masks when the air quality is poor or there is wildfire smoke in the area – as has happened the last few summers. As I read the bill, I saw that these two reasons would not fall within the affirmative defenses as I discuss in the next paragraph.

The bill has a list of affirmative defenses including for religious reasons, for occupational needs, winter weather, artistic performances, for limiting the spread of airborne diseases, etc. It is not clear how individuals can prove they are wearing a mask for some of these affirmative defenses. For example, no one should have to display or state what religion they are practicing and prove the need for a mask or face covering. Item (6) is the provision for wearing a mask for limiting the spread of airborne diseases. I state 2 examples above for my particular situations – to avoid breathing in chemicals and wildfire smoke. My medical conditions are private information and there is no need for me to divulge them as the need for me to wear a mask to anyone. Anyone, at any time, might find the need to wear a mask and they should not have to disclose their health status in order to wear a mask.

The decision of what constitutes "masked intimidation" and who has "legitimate" needs will be left up to police officers who are responding to "violations" and it puts many individuals at significant risk, especially people of color and immunocompromised/disabled folks. This bill will increase racial profiling and harassment of people of color, and ultimately increase racial medical disparities. Those who are immunocompromised and disabled also face threats to their health with this bill, especially if they are forced to remove their mask, which would increase their chance of catching airborne viruses (e.g., SAR2 or flu). People who are undergoing chemotherapy or treatment for lupus are advised to wear masks and to avoid getting ill as their immune systems are suppressed (personal knowledge from friends and a family member).

For example, if I am wearing my mask in the grocery store and someone comes up and asks why am I wearing the mask and I state that is none of their business and to please leave me alone, some would take offense at that and say I am harassing them. Imagine this – I am a white woman; a large aggressive man questions me and I do not answer and ask him to leave me alone. And he gets angry. How will that go? Now imagine if I was Black and the same happens. With increasing conflict and racial discrimination happening in society, you can start to see the opportunities for increased harassment, intimidation, and threatening behavior.

I understand that many bills passed in various states were aimed at stopping masking at protests with fines and imprisonment; I do not know the original intent of this bill as I mentioned above. I believe this bill will only fuel discrimination and harassment against maskers and criminalize people for wearing a mask. If this bill moves forward as structured, it is critical that

1. Item (6) be broadened to state that any individual may wear a mask for medical reasons and that they are not required to divulge what the specific medical reasons are.
2. It includes a statement that it is a crime to harass, intimidate, or threaten anyone who is wearing a mask. Honestly, when I first read the bill, I thought that was the intent until I re-read it.

If this bill becomes law, I will be much more cautious as to what I do in public. It will make me hesitate to go to any lawful public protest. I will be more cautious in telling someone to leave me alone; I will avoid conflict at all cost, including possibly calling the police when it might otherwise be needed. I have had neighbor conflict before (luckily, they moved) and based on his behavior, I can see him calling the police because he took anything that went against what he wanted to do as harassment.

As noted above, I was not able to learn of the original intent of this bill so it makes it difficult to offer alternative solutions. However, if there is truly no law on the books against harassing, intimidating, and threatening behavior, that is the law that is needed – I do find it hard to believe there is no law against intimidating and threatening behavior – and wearing a mask is irrelevant. If it is strictly for identity reasons, this needs to be thought through more carefully. Police have been able to identify people committing crimes for ages and with surveillance cameras and forensic science that has only become easier. Do we really want to go this far as a society by eliminating our rights to wear a mask in public to protect our health?

I have also contacted Senators Waldstreicher and Jackson and plan on submitting a similar letter to them as well as include the letter as written testimony on the Senate bill. I learned about the House bill too late to submit written testimony. I also plan on submitting these letters to Governor Moore and urge him to veto any such legislation.

Frankly, I am very disappointed that the State of Maryland is looking at passing this bill. Maryland is a very progressive state and I have been shocked at the mask ban bills that have been passed in other jurisdictions. I have said that I did not want to live in a jurisdiction that penalized mask wearing such as this. I have been proud of Maryland and its response to the SARS2 pandemic; proud of its stance on protecting reproductive rights; proud of its stance on protecting immigrants in our State. This bill goes against many of the values that I thought our state held and definitely goes against my values.

While I understand you are the lead sponsor of this bill, I strongly urge you to rescind House Bill 1081.

Sincerely

Torre Taylor
Kensington, MD

Cc:
Delegate Simpson
Delegate Spiegel
Delegate Toles
Delegate Vogel