

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 to Senate Bill 0709

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

Dear Chair Smith and Distinguished Members of the Judicial Proceedings Committee:

As a Maryland resident, public health researcher specializing in infectious disease surveillance, and disability rights / patient advocate, I write to express my strong opposition to Senate Bill 0709. While I recognize the legitimate concerns about public safety that may have motivated this legislation, the bill would severely undermine public health protections, infringe upon civil liberties, and disproportionately harm already marginalized communities.

COVID-19 continues to claim over 900 American lives weekly and has created an unprecedented public health crisis. According to the most conservative estimates, approximately 1 in 13 Americans—a prevalence on par with Type 1 diabetes—now live with Long COVID, with many experiencing disabling symptoms. In total, about 1 in 4 American adults reported living with a disability as of 2022, with post-viral conditions contributing significantly to this number. For these individuals and countless others, masks represent not merely a preference but a vital protection against further harm and essential accessibility tool. They are a necessity for wellbeing and public participation.

This bill would strip all Marylanders of the freedom to protect themselves from potentially disabling viruses. Even those who aren't currently disabled or immunocompromised deserve the right to take reasonable precautions against airborne pathogens without fear of criminalization or harassment. Masking remains one of our most effective and accessible tools for preventing the transmission of respiratory illnesses, with high-quality masks reducing COVID-19 infection risk up to ninefold when widely worn.

SB0709 would create significant barriers for multiple vulnerable communities:

First, it would intensify stigmatization of mask-wearing, subjecting members of the senior, disabled, and chronically ill communities to increased harassment and discrimination. Many of these individuals already face significant barriers to public participation, with pandemic precautions being rolled back and accessible options like remote work, telehealth appointments, virtual events, and curbside services disappearing. For older adults and those living with disabilities, chronic illness, or immunocompromised status, masks represent one of the few remaining tools allowing them to more safely navigate public spaces. This bill would create yet another barrier to community engagement, forcing people to either risk their health or face increasing isolation. Additionally, individuals would be compelled to disclose private medical information to justify their need for basic health protection—a burden that no Marylander should have to bear.

Second, the bill contradicts current public health guidance. The Maryland Department of Health continues to recommend masking during periods of high transmission of respiratory illnesses. As of this writing, our state is experiencing elevated hospitalization rates from COVID-19, influenza, and RSV. Implementing mask restrictions during ongoing public health concerns sends a dangerous and contradictory message to the public.

Third, enforcement of this legislation would disproportionately impact communities already facing systemic health inequities and oppression. Disabled individuals, LGBTQIA+ people, and Black, Indigenous, and People of Color (BIPOC) communities have been hit hardest by COVID-19 and face higher risks of biased policing and discrimination. BIPOC individuals, particularly Black men, have reported that wearing masks—or not wearing them—creates impossible choices between health protection and safety from racial profiling. During the pandemic, many expressed that masks made them "a bigger threat than the virus itself" in the eyes of law enforcement. Similarly, LGBTQIA+ individuals already face heightened scrutiny, harassment, and discrimination in public spaces. This bill would exacerbate these disparities by giving authorities additional pretexts to target already marginalized communities, potentially forcing people to choose between protecting their health and avoiding unwanted attention or confrontation.

Finally, the bill introduces troubling legal ambiguities that could have a chilling effect on legitimate mask use. The vague standards for determining "intent to intimidate" could lead to subjective enforcement and discourage people from protecting themselves and others from airborne illnesses. Other states that have implemented similar restrictions have faced significant legal challenges under the Americans with Disabilities Act and other federal protections.

For these compelling reasons, I strongly urge the Senate Judicial Proceedings Committee to issue an **UNFAVORABLE** report on SB0709. Public health, disability rights, and civil liberties should not be compromised in pursuit of security measures that ultimately harm vulnerable Marylanders and undermine accessibility in our communities. This bill would not only threaten the health of countless individuals but would also represent a significant step backward in Maryland's commitment to equity, inclusion, and personal freedom.

Thank you for your consideration of these concerns.

Respectfully submitted,
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