

Written Testimony Opposing SB 0709

Members of the Maryland Senate Judicial Proceedings Committee,

My name is Seifer Almasy and I live in Maryland. With this written testimony, I ask you to oppose SB 0709. Maryland must not interfere with anyone's rights to protect their health, which includes the option to wear a mask. While SB 0709 has exceptions intended to protect masking for health reasons, those exceptions are inadequate. Therefore, SB 0709 criminalizes wearing masks for health reasons. This kind of legislation will lead to civil rights violations and disruptions to public health while doing nothing to reduce crime. My testimony further explains the reasons to oppose SB 0709 and concludes with a list of links to resources on the internet (including a law journal, many scientific studies, and several news articles) that provide evidence to oppose SB 0709 .

The exceptions mentioned in the bill are inadequate because they are meaningless. Were this bill to become law, enforcement relies on vague language, bias, and highly subjective perceptions of threat. This bill fails to account for prejudices about masks, and that those prejudices intersect with systemic racism and ableism in our society.

To be clear, many people in our society unfortunately view masks with stigma, such that they perceive any mask to be inherently intimidating. SB 0709 would thus allow for highly subjective criminalization of anyone wearing a mask. The "intimidate ... while hiding or concealing their face with a mask" phrase is particularly troubling, because thresholds or senses of intimidation vary from person to person. This makes it stressful and dangerous for masked people to interact with others in public, which is already difficult due to the current stigma assigned to masks.

Therefore, SB 0709 will inevitably make the act of protecting oneself from airborne illnesses incredibly more difficult. It will create a chilling effect on anyone who simply wants to keep themselves from getting sick as they go about their lives. It will also add to existing stigmas and harassment, which is frequently directed towards disabled people who mask for health reasons.

I am personally impacted by such harassment. For context, although I am not a person with a compromised immune system and I am not living with a similar health condition or disability as far as I know, I often wear an N95 respirator or a KN95 mask while I am outside of my home because I do not want to get infected with COVID. Recently, while I was running errands and minding my own business at a traffic light, a man in a nearby car leaned towards me and angrily yelled at me to "take off the mask." This experience really upset me, but I managed to stay calm and get home safely. To this day, I do not know what that man was thinking. Perhaps he was intimidated by my mere presence. What would have happened if SB 0709 was the law, and that man decided that maybe I was following him, and that he should call the police on me?

If the police were called and arrived at the scene, how would it be made clear that my mask is being worn for a medical need? Would it be up to their judgement alone, or would they ask me to provide evidence of a medical need? Would I be expected to forsake my privacy and disclose

my health status to justify my wearing a mask? What if my health status is not recognized by the police officers? Or what if I just want to protect myself from an infection, regardless of my health status? Do you see how many complicated questions SB 0709 creates for the police officers and, more importantly, for me? All of the onus is ultimately on me, just because I wore a mask to protect myself and someone else decided that I intimidated them. At this point, even with the health exceptions, enforcement of SB 0709 is impractical and unfair. The logistical challenges of verifying exceptions inevitably lead to inconsistent application and abuse.

The situation I described is already a civil rights issue, and it is entirely possible that racial profiling or a hate crime or another form of misconduct could occur as law enforcement interacts with a person wearing a mask. This is because the bill lets police decide whether there is a medical need. Therefore, SB 0709 facilitates biased law enforcement or racial profiling, which already disproportionately harms Marylanders who are Black, Indigenous, and/or People of Color (BIPOC). Civil rights violations, harassment, and hate crimes will happen more often if Maryland passes any legislation that characterizes wearing a mask as criminal behavior.

So, whatever the intended aims of this bill may be, SB 0709 will definitely make it more dangerous for someone to be in public with a mask on for health reasons. It will increase the stigma of masking. It will increase the harassment and discrimination directed towards people wearing masks, especially people with disabilities or people who are not white men. This has already happened in other states that pursued legislation similar to SB 0709. When such a bill passed in the North Carolina legislature, a cancer patient reported that she was harassed for wearing a mask in public (the full story is available in list of links that I prepared):

"...[Shari Stuart] was confronted by a man who shouted expletives and called her a liberal for wearing the mask. The man identified himself as a conservative, she said, and he falsely told her that wearing a mask in public was illegal. According to Stuart, she told the man that it was dangerous for her to go into public without a mask because of her [stage 4 cancer] diagnosis. It's not a political statement, she said, and she says she showed the man a medical card describing her condition. He then proceeded to approach her and feigned coughing on her repeatedly before telling her that he hopes the cancer kills her, she said. Stuart said she called [the] police but ultimately didn't file a complaint."

Contrary to the claims made by the supporters of the bill, SB 0709 is an anti-masking bill that will undoubtedly facilitate discrimination and hate. Such a bill is incredibly unjust and unwise. Many people, especially people with disabilities or chronic illness, rely on masks to protect their health. Moreover, masks can help prevent illnesses in this time of high and unmitigated disease transmission. We all deserve options to keep ourselves from getting sick, especially while so much of our nation's public health and medical infrastructure is under unprecedented stress.

And it is imperative for the Maryland legislature to collaborate with Governor Moore's administration on encouraging people to wear masks for health protection now. This is because the Maryland Department of Health (MDH) announced in a letter on a January 14, 2025, that the "statewide combined - COVID, influenza and RSV - weekly respiratory virus-associated

hospitalization rate (as calculated by CDC) exceeds 10 hospitalizations per 100,000 residents, due in large part to increasing COVID and flu infections.” Policies bettering support for masking might have helped prevent so many Marylanders from getting sick in the first place, and wearing a mask at this time will help stop dangerous viruses from transmitting from person to person.

It cannot be overstated that Maryland’s government should be very concerned about preventing the spread of COVID. Any COVID infection harms the body with long-lasting damage, examples of which can include: heart attacks, strokes, brain damage, new onset autoimmune disease, erectile dysfunction, diabetes, Long COVID. Roughly 1 in every 10 COVID infections results in Long COVID, which is a wide range of chronic and debilitating health conditions that can last years and may result in permanent disability. And, according to studies, the burdens of COVID disproportionately harm BIPOC communities and women. Maryland needs to leverage public health interventions, such as masking, to prevent transmission of COVID and protect the public.

To that effect, the aforementioned MDH letter recommended implementation of “broad facility-wide source control in all patient care areas and patient-facing healthcare settings, including outpatient and long-term care.” The key measures include “universal masking in all patient care areas and patient-facing health care settings” in order to prevent and contain the spread of respiratory infections. MDH says “[b]road facility-wide source control can be discontinued once the combined weekly respiratory virus-associated hospitalization rate has been below 10 hospitalizations per 100,000 residents for two consecutive weeks.” Although it would be worthwhile to make broad facility-wide source control part of regular infection control measures (given COVID circulates year-round), MDH’s recommendations still apply now. This is because the weekly respiratory virus-associated hospitalization rate remains over 10 (and has gotten as high as 27.8) since MDH released the letter on January 14. Rather than criminalizing masks and harming public health, the legislature should support MDH’s recommendations.

Such recommendations will remain relevant for the foreseeable future, especially with the growing threat of highly pathogenic avian influenza (HPAI) A (H5N1). Commonly known as bird flu, this virus has been identified in four farms on the Eastern shore as well as a backyard flock in Montgomery County. While there is no known evidence to support that this virus can easily spread easily between humans, the US CDC encourages people working with animals to wear face masks like N95s to prevent infection. With high rates of COVID, influenza, and RSV in Maryland right now, combined with the potential threat of HPAI A (H5N1), why does the legislature think it is a good idea to advance any legislation that could discourage masking?

Finally, there is no evidence that criminalizing masks reduces crime. Data shows that crime rates decreased despite increased mask use in 2020. Scientific studies indicate that face masks are only as effective (if not worse) than sunglasses at thwarting facial recognition.

In conclusion, Maryland needs legislation that protects everyone’s rights to access public space safely. Criminalizing masks is not the way to achieve this goal. Please oppose SB 0709.

Seifer Almasy

List of Links Resources on the Internet that Provide Evidence to Oppose SB 0709

Masking Up: A COVID-19 Face-off Between Anti-Mask Laws and Mandatory Mask Orders for Black Americans

<https://www.californialawreview.org/online/masking-up-a-covid-19-face-off-between-anti-mask-laws-and-mandatory-mask-orders-for-black-americans>

'Scared to put on my mask': Cancer patient says she was intentionally coughed on in spat over mask

<https://www.wral.com/story/scared-to-put-on-my-mask-cancer-patient-says-she-was-intentionally-coughed-on-in-spat-over-mask/21478890/>

Nearly 100 Organizations Demand New York Lawmakers Reject a State Mask Ban

<https://www.nyclu.org/press-release/nearly-100-organizations-demand-new-york-lawmakers-reject-a-state-mask-ban>

Why Mask Bans Fail Jews and Other Marginalized Groups

<https://www.jewsformaskrights.com/resources/the-dangers-of-the-unmaskhateny-mask-ban>

Mask Bans Insult Disabled People, Endanger Our Health, and Threaten Our Ability to Protest

<https://www.teenvogue.com/story/mask-bans-disabled-people-protest>

Philadelphia is latest city to restrict ski masks in public spaces; Critics say there is little research supporting the strategy

<https://newjerseymonitor.com/2024/01/12/philadelphia-is-latest-city-to-restrict-ski-masks-in-public-spaces/>

Maryland Department of Health Clinician Letter on Source Control 1.14.2025

https://www.mbp.state.md.us/forms/Clinician_Letter_Source%20Control_1.14.2025.pdf

Current Maryland Weekly Source Control Metric for Healthcare Settings

<https://health.maryland.gov/phpa/Pages/resp-virus-metric.aspx>

Beyond breathing: How COVID-19 affects your heart, brain, and other organs

<https://www.heart.org/en/news/2024/01/16/how-covid-19-affects-your-heart-brain-and-other-organs>

High risk of autoimmune diseases after COVID-19

<https://www.nature.com/articles/s41584-023-00964-y>

What Therapists Need To Know: COVID-19 In 2024

<https://covid-for-therapists.my.canva.site/>

Clinical and functional assessment of SARS-CoV-2 sequelae among young marines - a panel study

<https://pubmed.ncbi.nlm.nih.gov/39507365/>

Cognition and Memory after Covid-19 in a Large Community Sample

<https://www.nejm.org/doi/full/10.1056/NEJMoa2311330>

Development of a Definition of Postacute Sequelae of SARS-CoV-2 Infection

<https://jamanetwork.com/journals/jama/fullarticle/2805540>

Addressing male sexual and reproductive health in the wake of COVID-19 outbreak

<https://pmc.ncbi.nlm.nih.gov/articles/PMC7355084/>

It's Official: Long COVID Is a Chronic Disease

<https://www.healthcentral.com/news/coronavirus/long-covid-is-a-chronic-disease>

Long-Term Health Effects of COVID-19: Disability and Function Following SARS-CoV-2 Infection

<https://nap.nationalacademies.org/catalog/27756/long-term-health-effects-of-covid-19-disability-and-function>

Long COVID: major findings, mechanisms and recommendations

<https://www.nature.com/articles/s41579-022-00846-2>

Long COVID: a clinical update

[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)01136-X/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)01136-X/fulltext)

Sex Differences in Long COVID

<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2829454>

Variation in COVID-19 Mortality in the US by Race and Ethnicity and Educational Attainment

<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2786466>

As sick leave costs spiral, European states move to cut benefits

<https://www.thegauntlet.news/p/as-sick-leave-costs-spiral-european>

Four Eastern Shore farms hit by bird flu; officials say outbreak is still manageable

<https://marylandmatters.org/2025/01/25/four-eastern-shore-farms-hit-by-bird-flu-officials-say-outbreak-is-still-manageable/>

Preliminary Testing Confirms Highly Pathogenic Avian Influenza in a Montgomery County Backyard Flock

<https://news.maryland.gov/mda/press-release/2025/01/30/preliminary-testing-confirms-highly-pathogenic-avian-influenza-in-a-montgomery-county-backyard-flock/>

Protect Yourself From H5N1 Bird Flu

<https://www.cdc.gov/bird-flu/media/pdfs/2024/09/H5-Wear-personal-protective-equipment-09192024-FINAL-CLEAN.pdf>

The effect of face masks and sunglasses on identity and expression recognition with super-recognizers and typical observers

<https://pmc.ncbi.nlm.nih.gov/articles/PMC8074904/>

Sunglasses and Face Masks Won't Fool Facial Recognition Systems Any More

<https://www.datasciencecentral.com/sunglasses-and-face-mask-wont-fool-facial-recognition/>

Face masks are less effective than sunglasses in masking face identity

<https://www.nature.com/articles/s41598-023-31321-4>