

February 26, 2025

Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act) (SB0709)

Position: UNFAVORABLE

Dear Chairman Smith and Members of the Judicial Proceedings Committee,

I'm writing today to express my strong opposition to proposed anti-masking legislation in Maryland, the so-called "Unmask Hate Act" (SB709).

Two people in my life, my partner and a close friend, both have Long Covid. This disease has had devastating impacts on both of their lives. My partner, an otherwise healthy 36-year-old, used to play ultimate frisbee three times a week and rode his bike as his main form of transportation. Now, he struggles to walk to the grocery store.

I mask in all public spaces -- both indoor and outdoor -- to protect myself and the immunocompromised people in my life from respiratory viruses including the flu and Covid, which are currently at "very high" and "high" levels in Maryland, respectively.¹ In January of this year, the Maryland Department of Health re-recommended universal masking in all healthcare settings because of surging rates of respiratory illnesses in the state.² According to the CDC, FDA, WHO, and OSHA, the best evidence-backed tools we have to keep people safe from airborne illnesses are masks such as KN95s and N95s.

Though this bill has a supposed carveout for folks who wear masks for health reasons, it is unclear how this would work in practice. It would ultimately be up to police officers to decide who has "legitimate" needs to mask. Will cops require people to carry doctor's notes detailing sensitive personal health information at all times? What about people like me, who aren't immunocompromised themselves but who take precautions to protect the vulnerable people in our lives? How would I "prove" that I need to wear a mask? And if an immunocompromised and/or disabled person is forced by a cop to remove their mask, they could face grave threats to their health, as their chance of catching airborne viruses and developing long-term conditions would increase.

Furthermore, "masked intimidation" is a vague accusation and could easily be weaponized against anyone wearing a mask. Deferring to police discretion would obviously put many individuals at significant risk, especially Black, Brown, and other people of color who are already far more likely to face police harassment and brutality.

This bill threatens to push us further down an authoritarian path by essentially criminalizing masking and opening up pathways for the criminalization of the right to protest. If this bill

¹ MDH FluWatch, [Maryland Influenza Surveillance 2024-2025 Season](#); National Wastewater Surveillance System (NWSS), [COVID-19 Current Wastewater Viral Activity Levels Map](#).

² Maryland Department of Health, https://www.mbp.state.md.us/forms/Clinician_Letter_Source%20Control_1.14.2025.pdf

passes, it could allow anyone who does not agree with someone's political speech to claim that they feel "threatened" and then have that person arrested for wearing a mask while protesting. By conflating mask-wearing with criminality, this bill sends a dangerous message to Marylanders and further contributes to the politicization of a key public health tool that keeps people safe from respiratory illnesses, disability, and death.

As the Trump administration restricts rights at the federal level, defunds critical public health agencies and research, and appoints an anti-vaxxer to the highest public health position in government, does Maryland really want to be criminalizing mask-wearing?

I strongly urge you to vote against SB0709.

Thank you,

Taylor Smith-Hams
District 43A Resident