

Maryland General Assembly
Senate Committee on Judicial Proceedings
2 East Miller Senate Office Building
Annapolis, MD 21401
February 26, 2025

To the Members of the Maryland General Assembly Senate Committee on Judicial Proceedings,

I am writing in opposition to SB0709, the “Unmasking Hate Act”. This bill promises protection. But that is not what it provides. Instead, it only increases the danger of disease and unfair police targeting for already vulnerable communities, including some of the same people its sponsors are trying to defend.

Scientific research overwhelmingly tells us that masking is one of the most effective ways to protect ourselves and others from the spread of diseases like Covid-19, flu, and RSV, all diseases that are currently filling hospitals across the country.¹ Healthy vaccinated adults still run an approximately 3% chance of developing Long Covid, a disabling condition, every time they are infected.² Many healthy people mask because they do not want to roll those dice.

Masking is especially important for the chronically ill and immunocompromised and those who care about us. For us, catching Covid is not merely an inconvenience. It often permanently worsens our existing conditions in a time when the cost of medical care is ever increasing. We, both figuratively and literally, cannot afford to become sicker than we already are. The more people mask, the safer we are and the closer we can get to living normal lives.

As written, this bill does not adequately define harassment or discriminatory behavior. It is easily misinterpreted as a default ban on masking. It puts the onus on mask-wearers to prove to police officers that they are wearing masks for health or religious reasons, officers who are experts in neither medicine nor religion. It can easily force mask-wearers to divulge private medical information of themselves or others to avoid legal consequences.

¹ One recent example is Lai, Jianyu et al. Relative efficacy of masks and respirators as source control for viral aerosol shedding from people infected with SARS-CoV-2: a controlled human exhaled breath aerosol experimental study. *eBioMedicine*, Volume 104, 105157. Accessed 2/24/2025
<[https://www.thelancet.com/journals/ebiom/article/PIIS2352-3964\(24\)00192-0/fulltext](https://www.thelancet.com/journals/ebiom/article/PIIS2352-3964(24)00192-0/fulltext)>

² “Long COVID Dispatches from the Front Lines with Lisa Sanders, MD”. *Yale Medicine*. Accessed 2/24/2025.
<<https://www.yalemedicine.org/news/covid-vaccines-reduce-long-covid-risk-new-study-shows>>

The Black community, in particular, already faces higher rates of chronic illness, including Long Covid, and worse health outcomes than other racial groups and therefore have more reason to mask in public.³ They also face higher rates of unjust police targeting. This bill not only harms that community's health but also creates another pretense for police targeting.

Additionally, hate crimes against the Asian-American community have increased since 2020. Evidence indicates that anti-masking attitudes play a role in this.⁴ Thus any bill discouraging masking could increase the risk of hate crimes by encouraging anti-Asian attacks.

Harassment and assault are already illegal. There are already increased penalties for these crimes when they are committed because of religious or racial hatred. If combating hate is the goal here, we need to examine these existing statutes. We need to examine strategies for increasing education and social solidarity.

We must not allow our right to participate safely in society to rely on this vaguely written and ineffective bill and the assurances of its sponsors that it will never be misinterpreted by those enforcing it.

My Jewish ancestors fled Imperial Russia for the United States so that they could live freely and safely. In rejecting this bill, you are protecting their descendants' right to do the same.

Sincerely,

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³ National Academies of Sciences, Engineering, and Medicine. 2024. Ending Unequal Treatment: Strategies to Achieve Equitable Health Care and Optimal Health for All. Washington, DC: The National Academies Press. <https://doi.org/10.17226/27820>. Accessed 2/24/2025.

<<https://nap.nationalacademies.org/catalog/27820/ending-unequal-treatment-strategies-to-achieve-equitable-health-care-and>>

⁴ Choi HA, Lee OE. To Mask or To Unmask, That Is the Question: Facemasks and Anti-Asian Violence During COVID-19. J Hum Rights Soc Work. 2021;6(3):237-245. doi: 10.1007/s41134-021-00172-2. Epub 2021 Jun 16. PMID: 34150988; PMCID: PMC8206186. Accessed 2/24/2025.

<<https://pmc.ncbi.nlm.nih.gov/articles/PMC8206186/#Sec5>>