

Testimony for Senate Bill 709 – Opposed

February 25, 2025

Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

I am writing to oppose the proposed anti-masking legislation, "Criminal Law - Masked Intimidation - Prohibition (Unmask Hate Act) Senate Bill 709." I am an internal medicine physician who has volunteered with Disability Justice groups since 2021 and has been a member of the American Public Health Association for over 40 years. Public health efforts to encourage masking in the face of serious airborne viruses including flu and COVID-19 have been attacked and politicized for too long in the United States. This has led to many more cases of illness including prolonged illnesses than should have been allowed to happen. By conflating mask-wearing with criminality this bill will further discourage masking.

The concern about airborne viruses is not trivial. 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.. Currently, flu rates are at a 25-year record high and over 1 in 10 emergency room visits in Maryland have been because of the flu (as of Feb 8, according to the Maryland DOH). Based on publicly available hospital and wastewater data, Maryland has very high levels of Covid-19 as of February 11th.

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. The air quality in many buildings and schools is suboptimal and recent fires and smoke also justify masking for health reasons. By allowing this bill to move forward and essentially criminalizing mask-wearing, you would be inadvertently adding to an already existing public health disaster.

There are already laws against assault and harassment as well as hate crimes so additional penalties for wearing a mask are unnecessary and will lead to hurting other people. Though the bill has a supposed carve out for those who wear masks or face coverings for health/religious reasons, it is not clear how individuals will be able to prove this. 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. Questioning people about the reasons for wearing a mask on the street, at a rally or a march is a violation of one's privacy. In fact, harassment of people who wear masks for whatever reason

increased after the Nassau County bill went into effect in New York.. This bill will increase racial profiling and harassment of people of color, and ultimately increase racial medical disparities.

Beyond medical issues residents also face a risk in surveillance by authoritarian regimes and may mask to protect themselves and their families. The International Committee for Human Rights in the Philippines (ICHRP) requires masking in protests such as the recent campaign for justice for Brandon Lee. University of Maryland students are among those involved in this campaign. Medical and political considerations factor into this guidance. Facial recognition, drone surveillance and penalties for protesting are all important considerations.

This dangerous bill will do little to stem supposed "masked intimidation" by protestors, and instead will contribute to the further discrimination of already marginalized groups such as Black and Brown and/or disabled/immunocompromised residents. In essence this bill proposes a solution to a non-existing problem and I strongly urge your committee to report this bill as UNFAVORABLE.

Thank you for your consideration,

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