



**Maryland Commission
on LGBTQIA+ Affairs**

Bill Title: Human Relations - Protection of the Free Exercise of Religion

Bill Number(s): [HB0356](#)

Position: UNFAVORABLE

Date: February 13, 2026

Submitted by: Jeremy Browning, Director of the Maryland Commission on LGBTQIA+ Affairs

To:

Government, Labor, and Elections Committee

The Hon. Melissa Wells, Chair
The Hon. Kenneth Kerr, Vice Chair

Testimony on behalf of the Maryland Commission on LGBTQIA+ Affairs:

The Maryland Commission on LGBTQIA+ Affairs, created by the Maryland General Assembly, works to serve LGBTQIA+ Marylanders by galvanizing community voices, researching and addressing challenges, and advocating for policies that advance equity and inclusion. The Commission envisions a Maryland where all LGBTQIA+ people can live full and authentic lives. As a vital resource, the Commission collaborates with public officials, agencies, and community partners to ensure the rights and dignity of LGBTQIA+ Marylanders are protected and respected.

The Commission is in strong opposition to House Bill 356. While the protection of religious liberty is a fundamental value enshrined in both the U.S. and Maryland Constitutions, HB356 is not a neutral safeguard. It establishes a broad new legal standard that allows individuals and organizations to challenge governmental actions that they claim substantially burden their religious exercise, even when those actions are neutral laws of general applicability. This framework mirrors the federal Religious Freedom Restoration Act and creates a new mechanism that could be used to challenge the enforcement of Maryland's nondiscrimination and public protection laws.

HB356 applies to a wide range of governmental actions, including existing laws, regulations, policies, and administrative decisions. By requiring the state and local governments to meet a heightened "compelling interest" and "least restrictive means" test in response to religious objections, the bill invites costly and complex litigation and creates legal uncertainty for agencies and local jurisdictions. This new cause of action allows plaintiffs to seek injunctive

relief, damages, and attorney's fees, increasing the risk of prolonged legal challenges to routine government functions.

More importantly, the bill opens the door to harmful interpretations that could undermine equal access to services and protections. For example, religious objections could be used to challenge the enforcement of nondiscrimination requirements in employment, public accommodations, housing, foster care, health care, and other state-funded or state-regulated services. Government employees may also seek exemptions from performing core duties related to marriage, benefits administration, licensing, or service delivery. In practice, these challenges could delay, limit, or deny services to LGBTQIA+ individuals and other protected groups.

Maryland's Constitution and existing laws already provide strong protections for the free exercise of religion. HB356 goes beyond protecting religious practice and instead creates a broad legal pathway for religious objections to override civil rights protections and the consistent administration of public services. The result is not a better balance between religious liberty and equal protection, but increased risk that one right will be used to diminish the other.

For these reasons, the Maryland Commission on LGBTQIA+ Affairs respectfully urges an unfavorable report on HB356.