

UNFAVORABLE

HB0356 - Human Relations - Protection of the Free Exercise of Religion

February 13, 2026

Chair Wells, Vice-Chair Kerr, and Members of the Committee.

My name is Daniel Meyer. I'm a lifelong Maryland resident, and I wanted to explain why oppose HB0356.

I am writing to express my strong opposition to HB0356. While framed as a protection of religious liberty, evidence from other states and federal courts demonstrates that Religious Freedom Restoration Acts (RFRAs) create an unreasonable legal standard that privileges specific religious beliefs over public health, civil rights, and access to healthcare. My opposition is rooted in three specific areas where this legislation has proven dangerous:

1. The "Least Restrictive Means" Standard is a Trap for Public Policy HB0356 likely mirrors the federal standard requiring that any government action burdening religion must be the "least restrictive means" of achieving a "compelling government interest." In practice, this standard is weaponized to dismantle basic protections.

- **Legal Context:** The "least restrictive means" test is described by legal scholars as "exceptionally demanding." It effectively presumes the law is invalid unless the state can prove there is absolutely *no other way* to achieve its goal.
- **Impact:** If a business refuses to serve a customer based on race or sexual orientation, a RFRA defense forces the state to prove that enforcing non-discrimination laws is the *only* way to ensure that customer gets service. If the defense can argue, "They can just go down the street to another shop," the state often loses, and discrimination is legalized.

2. Weaponization Against Healthcare and Insurance (The Hobby Lobby Precedent) We have seen clear evidence that RFRA laws are used to deny employees essential health benefits.

- **Example:** In *Burwell v. Hobby Lobby* (2014), the Supreme Court used the federal RFRA to rule that closely held corporations could deny insurance coverage for contraceptives to their employees.
- **Maryland Impact:** Passing HB0356 would import this logic into Maryland state law. It would allow private employers to cite "deeply held religious beliefs" to strip workers of coverage for reproductive healthcare, HIV prevention (PrEP), and other essential services, creating a two-tiered healthcare system determined by an employer's theology, not medical science.

3. A License to Discriminate (The Indiana Example) History shows that state-level RFRAs destroy social cohesion and harm state economies.

- **Example:** When Indiana passed its RFRA (SB 101) in 2015, it triggered a national backlash because it was correctly interpreted as a legal defense for businesses to refuse service to LGBTQ+ individuals. The economic fallout cost the state an estimated \$60 million in lost revenue and prompted a "fix" to the law just one week later.
- **New Mexico Case:** In *Elane Photography v. Willock*, a business used the state's RFRA to argue they had a right to refuse services for a same-sex commitment ceremony. While the court ultimately ruled against the business, the RFRA statute provided the legal platform to litigate whether discrimination was a protected "religious exercise."

4. Endangering Public Health During the COVID-19 pandemic, RFRAs were frequently cited in attempts to overturn gathering bans and vaccine mandates. By codifying a "strict scrutiny" standard for religious exemptions, HB0356 would handcuff Maryland's ability to respond to future pandemics. If the state cannot swiftly enforce capacity limits or safety protocols without facing years of litigation over whether those rules are the "least restrictive means," lives will be lost.

This bill does not protect the minority; it empowers the majority to impose their values on others. It turns the shield of the First Amendment into a sword. I urge the committee to vote UNFAVORABLE on HB0356.

Sincerely,

Daniel Meyer, District 10

David M