



# AMERICAN ATHEISTS

February 17, 2026

The Honorable Del. Melissa Wells  
Chair, House Government, Labor, and Elections Committee  
6 Bladen Street  
Annapolis, Maryland 21404

**Re: OPPOSE HB 356, Undermining Religious Equality in Maryland**

Dear Chairperson Wells and Members of the House Government, Labor, and Elections Committee:

American Atheists, on behalf of its over 1,500 constituents in Maryland, writes in opposition to HB 356. This dangerous legislation would undermine religious equality in Maryland just as it has done in other states that have passed similar legislation. Because HB 356 would interfere with the constitutional rights of all Marylanders, we strongly urge you to oppose this bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheists are accepted as members of our nation’s communities and where bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building, and work to end the stigma associated with being an atheist in America. Religious liberty is an individual right guaranteed by the First Amendment, and American Atheists opposes efforts to misuse these constitutional protections to undermine the civil rights or religious freedom of others.

HB 356 is an example of a “Religious Freedom Restoration Act,” or RFRA, a bill that provides that government action may only burden religious exercise if it meets a stringent legal test. In order to meet this test, the government must show that its action was narrowly tailored to meet a compelling government interest and the action taken was the least restrictive means available. This is the most difficult test

**AMERICAN ATHEISTS**

225 Cristiani Street • Cranford, NJ 07016-3214  
(908) 276-7300 • [www.atheists.org](http://www.atheists.org)

that courts impose in constitutional law, and it is a burden that the government rarely meets.

While RFRA laws were originally introduced at the federal and state level to protect religious exercise, in recent years RFRA language has been used in increasingly broad ways that its original supporters and sponsors would never have imagined, such as trumping nondiscrimination, public health, and safety laws.<sup>1</sup>

Freedom of religion is a fundamental right, already safeguarded by both the U.S. Constitution and the Maryland Constitution to ensure the protection of individual beliefs.<sup>2</sup> However, these protections do not create a special right for religious individuals and organizations to violate neutral laws or discriminate against groups they disfavor. HB 356 would, under the guise of religious freedom, create special exemptions to a range of neutral laws to privilege religious organizations at the expense of everyone else. For example, this bill would potentially allow individuals and organizations to evade nondiscrimination laws enacted to protect vulnerable Americans, such as the efforts in Virginia to weaponize the state's RFRA against the Virginia Values Act, a state LGBTQ nondiscrimination law.<sup>3</sup> The rule of law is important, and we cannot simply create sweeping exemptions that allow people to pick and choose which laws they wish to follow. We should all be held to and protected by the same laws.

American Atheists opposes this bill because it violates the principle of religious equality, an essential component of religious freedom. Religious equality stands for the guiding and governing principle that one's religious identity should neither directly nor indirectly affect their civil rights under the law. This principle helped to shape both the First Amendment and the Maryland Constitution.

Instead of religious equality, this bill would establish a new principle – that religious people and organizations (only) may claim exemption from laws and policies that

---

<sup>1</sup> For example, in its decision in *Burwell v. Hobby Lobby*, 573 US 682 (2014), the US Supreme Court relied upon the federal RFRA to both declare that certain types of businesses have religious freedom rights and that those rights may take priority over the right of employees to receive benefits, in this case depriving the employees of contraceptive coverage.

<sup>2</sup> Md. Dec. of R. art. 36.

<sup>3</sup> *Updegrove v. Herring*, 1:20-cv-01141-CMH-JFA, Defendant's Combined Opposition to Preliminary Injunction and Memorandum in Support of Motion to Dismiss (E.D. Va. 2020). Available at <https://www.oag.state.va.us/files/2020/2020-11-16-Updegrove-Combined-Brief.pdf>

conflict with their beliefs. As Justice Antonin Scalia pointed out in his landmark *Employment Division v. Smith* opinion, such a principle would be “a constitutional anomaly.”<sup>4</sup>

This bill is both dangerous and unnecessary. Maryland has existed for over 200 years without this provision, and there is no evidence that the religious freedom of Maryland’s citizens has been routinely violated. Instead, religious liberty has historically been protected both through the First Amendment and through the Maryland Constitution. This bill would undermine those protections by compromising the very bedrock of religious freedom, the principles of religious equality, and the separation of religion and government.

This legislation threatens to radically rebalance state law to grant extraordinary privileges to organized religion. HB 356 would establish an across-the-board exemption that allows for religious discrimination by making religious exercise a state-favored class of activity. We urge Maryland lawmakers to uphold the principle of the Maryland Constitution and reject this harmful legislation.

Should you have any questions regarding American Atheists’ opposition to HB 356, please contact me at [vanderson@atheists.org](mailto:vanderson@atheists.org).

Sincerely,

A handwritten signature in black ink that reads "Victoria Anderson". The signature is fluid and cursive, with the first name "Victoria" being larger and more prominent than the last name "Anderson".

Victoria Anderson  
State Policy Specialist  
American Atheists

---

<sup>4</sup> *Employment Division, Department of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990) (internal citations omitted).