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Government, Labor, and
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THE MARYLAND HOUSE OF DELEGATES
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SPONSOR TESTIMONY IN SUPPORT OF HB0334
STATE PROCUREMENT - CONSTITUTIONAL VIOLATIONS - PROHIBITED

Delegate Sheila Ruth
February 10, 2026

Regardless of party affiliation, I believe we can agree that our constitutional rights mean something. They are fundamental to who we are as a nation and as a state and display the values we hold dear to us. That is why it's crucial that the rights they enshrine - that we are owed as Americans and Marylanders - are protected and defended at all levels of government. We, as a state, need to put our foot down when it comes to those who would unlawfully violate these rights.

This bill represents another step we can take in this pursuit. It simply mandates that State procurement officers require certification from a bidder that the contractor is not violating the United States and Maryland State Constitutions in the course of their other work or work for the state. Additionally, it requires State procurement contracts to include a clause prohibiting contractors from engaging in activities deemed unconstitutional by the United States and Maryland State Constitutions.

Our state has taken actions to protect these rights before when they are under attack - and make no mistake that they *are* under attack. We fought for the reproductive rights of Marylanders when the long-standing protections afforded under *Roe v. Wade* were taken away by enshrining them in our own state constitution, and regardless of one's personal opinion, it cannot be argued that this was considered settled law decided over fifty years ago.

With the news such as it is, it may be obvious to mention the unconstitutionality of actions being rampantly taken nationwide in the name of immigration enforcement, yet it is no less important to talk about. These blatant violation of constitutionally-guaranteed rights in the name of immigration law enforcement, whether in the form of murders and violent attacks in our streets or the pernicious grotesque treatment of those in detention centers, break legal rights set forth in several amendments, including from the Bill of Rights like the Fourth Amendment and Fifth Amendment. This is already being seen here in Maryland with the [leaking of deplorable conditions in a Baltimore detention center](#) - and there are ongoing concerns locally and statewide about [a facility recently purchased by the Department of Homeland Security in Hagerstown](#).

Although private entities are not usually bound by the Constitution, they are generally required to abide by the Constitution when acting on behalf of the government, under the “color of law” doctrine. So, for example, a private company operating a detention center under contract with the federal government would be responsible if they violate the Constitutional rights of the detainees, something that we’ve seen too often recently. While it’s clear that the federal government is not holding these bad actors accountable, and in many cases seems to be encouraging such abuses, Maryland should not be supporting companies such as this with our taxpayer dollars.

This all highlights the need for our state to utilize the tools it has at its disposal to reinforce our support for the constitutional rights afforded by our federal and state constitutions. This issue is key, fundamental, and clear: Maryland should not support, aid, or fund unconstitutional actions and those who are complicit in them. We have a duty to protect our people. To that end, our state should not award contractors that violate our rights with our own taxpayers’ dollars. Thus, I ask for a favorable report for HB0334.