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# PRESS RELEASE

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## **Attorney General Frosh Joins Supreme Court Brief in Support of Colorado's Anti-Discrimination Law** *States Defend Constitutionality of Public Accommodations Law*

**BALTIMORE, MD (August 19, 2022)** – Maryland Attorney General Brian E. Frosh today joined a coalition of 22 attorneys general in filing an [amicus brief](#) with the U.S. Supreme Court defending the constitutionality of Colorado's public accommodations law, arguing that a business owner's religious beliefs do not give a business open to the public the right to discriminate against customers.

The brief was today filed in the case of *303 Creative LLC v. Elenis*, in which a website design business and its owner, looking to deny services to LGBTQ+ couples, claim Colorado's public accommodations law violates the First Amendment's protection for freedom of speech. The states' brief is in support of the respondents, who are defending the constitutionality of Colorado's public accommodations law.

"Requiring businesses to comply with state anti-discrimination laws does not violate the First Amendment," said Attorney General Frosh. "Without these protections in place, businesses could cherry-pick who they want to serve based on any number of an individual's qualities, characteristics, or even physical appearance. It's unfathomable that the plaintiffs in this case think their illegal conduct is acceptable."

Colorado's public accommodations law forbids a place of public accommodation from refusing to provide services to a customer because of their sexual orientation – as well as other protected characteristics like their race, sex, or religion – and prevents businesses from advertising their intention to refuse to provide service on such grounds. In July 2021, the U.S. Court of Appeals for the Tenth Circuit affirmed a district court ruling in favor of the state. The website design business petitioned the Supreme Court to review the case.

The attorneys general state in the brief that they share strong interests in upholding laws to protect their residents and visitors from unlawful discrimination, and support civil rights protections for historically disenfranchised groups, including prohibitions on discrimination in places of public accommodation. They further argue that if businesses open to the public can exempt themselves from these anti-discrimination laws based on personal objections to serving

all customers, “many Americans would face exclusion from a host of everyday businesses or, at the very least, face the ever-present threat that any business owner could refuse to serve them when they walk in the door, simply because of their race, religion, sex, or sexual orientation.” Nothing in the First Amendment, the brief argues, requires states to allow this kind of discrimination and the harms it would cause.

The brief describes the states’ long history of enacting laws that prohibit discrimination in commercial establishments. Today, 26 states’ laws forbid businesses from discriminating against customers based sexual orientation. Additionally, 23 states and the District of Columbia prohibit advertising that services will be denied to customers based a protected characteristic. Furthermore, the brief argues that the courts have long recognized that the right to free speech is not infringed by laws that prohibit businesses from turning away customers based on their race or other protected characteristics.

Joining Attorney General Frosh in today’s brief are the attorneys general of California, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin.

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