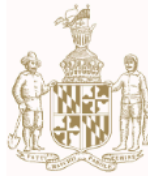


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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

The Honorable Senator Smith, Chair
The Honorable Senator Waldstreicher, Vice Chair
Judicial Proceedings Committee
Maryland Senate
Annapolis, MD 21401

March 26th, 2024

Testimony in Support of SB1165: Public Health - Prohibition on Transfer of Human Immunodeficiency Virus - Repeal

Chair Smith, Vice Chair Waldstreicher, and esteemed members of this committee:

Senate Bill 1165 aims to repeal 18–601.1 of the Maryland Health Code, a statute that has long perpetuated an outdated and discriminatory view against People Living with HIV (PLWHIV). This bill represents a crucial step towards aligning our legal framework with current scientific understanding, promoting public health, and ensuring justice and dignity for all Maryland residents.

Outdated Laws and the Need for Modernization

The existing statute under Maryland Health Code 18-601.1 is fundamentally flawed and misaligned with contemporary medical insights into HIV transmission. This law, rooted in the fears and misconceptions of a bygone era, penalizes behaviors that pose no substantial risk of transmitting HIV. We must recognize the leaps in medical science that have transformed HIV from a fatal diagnosis into a manageable chronic condition. Modern treatments like antiretroviral therapy (ART) enable PLWHIV to lead healthy

lives and effectively end the ability of a person to transmit HIV to another person. Yet, our laws remain stagnant, failing to reflect these advancements.

The Stigma of Criminalization and Public Health Implications

The stigma attached to HIV criminalization has far-reaching consequences. It deters individuals from seeking testing and knowing their status, thus inadvertently contributing to the spread of HIV. The fear of criminal charges and enhanced penalties based solely on one's HIV status is a significant barrier to testing, treatment, and disclosure. This reality is not conjecture. According to a poll in October 2023, 87 percent believe that modernizing HIV laws would incentivize testing and treatment, and 82 percent agree that PLWHIV should receive health treatment instead of facing discriminatory criminal charges¹.

Bipartisan Support for HIV Criminalization Repeal

It is heartening to note the bipartisan support that HIV decriminalization and modernization has garnered nationwide. According to the Centers for Disease Control and Prevention (CDC), thirteen states in the last decade have either fully repealed or significantly decreased their HIV criminal laws. These states include California, Colorado, Georgia, Illinois, Iowa, Michigan, Missouri, Nevada, New Jersey, North Carolina, Virginia, and Washington. These states join states that never criminalized people living with HIV, including Texas, New Mexico, Wyoming, Oregon, Maine, New Hampshire, Vermont, Connecticut, Delaware, Hawaii, and the District of Columbia.

Impact of Senate Bill 1165

¹ <https://drive.google.com/file/d/1gVOWFAX6C7ZbgY05xv4KEx6Sbm598HQ/t/view>

The passage of Senate Bill 1165 would mark a significant milestone in Maryland's commitment to public health and justice. By repealing the discriminatory statute, this bill will:

1. Bring Maryland's law up to date with scientific advancements in understanding HIV.
2. Encourage HIV testing and treatment by removing the threat of criminalization, thereby helping to lower HIV transmission rates.
3. Remove the codified stigmatization of PLWHIV, fostering a more inclusive and empathetic society.

Enforcement Alternatives

In addition to this testimony, I have submitted to this Committee a letter from the Office of the Attorney General regarding the enforcement of penalties in cases of the reckless spread of HIV. It is clear existing laws on reckless endangerment and second-degree assault cover the behavior of knowingly and maliciously transmitting HIV. Those statutes have been used in place of 18-601.1, obviating the need for this statute.

In conclusion, Senate Bill 1165 is not merely a legal amendment; it is a stride toward eradicating stigma, promoting public health, and upholding the dignity of all individuals, particularly those living with HIV. I urge you to support this bill, as it aligns with our shared values of compassion, justice, and scientific integrity. This bill passed the House Judiciary Committee with a bipartisan majority this year and in 2023, reflecting the collective understanding of its necessity. It is incumbent upon us to take this final step toward justice and public health. For these reasons, I urge your support for Senate Bill 1165 and respectfully request a favorable report.

Sincerely,

