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March 26, 2024

TO: The Honorable Will Smith
Chair, Judicial Proceedings Committee

FROM: Adam Spangler
Legislative Aide, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 1165 Public Health - Prohibition on Transfer of Human
Immunodeficiency Virus - Repeal- **Support**

The Office of the Attorney General urges the Judicial Proceedings Committee to report favorably on Senate Bill 1165.

Senate Bill 1165 would repeal § 18-601.1 of the Health-General Article, which makes the knowing transfer or attempted transfer of the human immunodeficiency virus (HIV) a criminal offense subject to up to 3 years' imprisonment.

Section 18-601.1 was enacted in the 1980s, when the understanding of HIV transmission was more limited and the treatment of HIV and AIDS was far less advanced than it is today. The criminalization of HIV transmission is not consistent with the current public health understanding of effective ways to discourage and prevent HIV transmission.¹ Moreover, the treatment of HIV transmission under this statute, when the knowing transmission of other serious

¹ See U.S. Centers for Disease Control and Prevention, HIV and STD Criminalization Laws, <https://www.cdc.gov/hiv/policies/law/states/exposure.html>

communicable or sexually transmitted diseases is not similarly treated under State law, stigmatizes those living with HIV and raises equity concerns.

For these reasons, the Office of the Attorney General urges a favorable report on Senate Bill 1165.

cc: The Honorable Karen Lewis Young
Judicial Proceedings Committee Members