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**BILL:** House Bill 485 - Public Health - Prohibition on Transfer of Human Immunodeficiency Virus - Repeal

**DATE:** February 06, 2024

**POSITION:** FAVORABLE

**COMMITTEE:** Ways and Means

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Annapolis Pride's mission is to advocate for, empower, and celebrate the LGBTQ+ community in Anne Arundel County to live fully and authentically. Our vision is a safe, equitable, and anti-racist community where people of all identities thrive.

As such, Annapolis Pride supports House Bill 485, which criminalizes the knowing transmission of HIV. This outdated and harmful statute serves no public health purpose and inflicts significant injustices upon individuals living with HIV. Numerous studies have found zero empirical evidence that HIV criminalization laws reduce the transmission of HIV.<sup>1</sup> In fact, they create disincentives for individuals to get tested and seek treatment, further hindering control efforts.

Research by the Williams Institute has uncovered a troubling statistic: Black individuals constitute 82% of defendants in HIV-related criminal cases, even though they make up only 14% of the state's population and 44% of those living with HIV.<sup>2</sup> This data paints a troubling picture of racial bias within the criminal justice system and within the enforcement of this unjust law. The focus on intent to transmit, coupled with historical prejudice, leaves the door wide open for discriminatory targeting and prosecution of Black individuals, particularly Black men, living with HIV.

Further, the law doesn't account for the incredible progress in HIV treatment with antiretroviral therapy (ART). When taken consistently, ART can suppress the virus to undetectable levels, virtually eliminating the risk of transmission to others. This is reflected in the criminalization approach, perpetuating outdated notions of HIV as a highly contagious and uncontrollable disease.

Accordingly, Annapolis Pride respectfully requests a **favorable** committee report on House Bill 485.

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<sup>1</sup> Lazzarini, Z., Galletly, C. L., Mykhalovskiy, E., Harsono, D., O'Keefe, E., Singer, M., & Levine, R. J. (2013). Criminalization of HIV transmission and exposure: research and policy agenda. *American journal of public health*, 103(8), 1350–1353.

<https://doi.org/10.2105/AJPH.2013.301267>

<sup>2</sup> Cisneros, N., Tentindo, W., Sears, B., Macklin, M., & Bendana, D. (2024). Enforcement of HIV Criminalization in Maryland - Williams Institute

<https://williamsinstitute.law.ucla.edu/publications/hiv-crim-md/>