

CANDACE McLAREN LANHAM
Chief Deputy Attorney General



ANTHONY G. BROWN
Attorney General

CHRISTIAN E. BARRERA
Chief Operating Officer

CAROLYN A. QUATTROCKI
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

LEONARD HOWIE
Deputy Attorney General

PETER V. BERNS
General Counsel

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
(410) 576-7036

WRITER'S DIRECT DIAL NO
(410) 576-6588

February 6, 2024

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

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

RE: HB485 Public Health - Prohibition on Transfer of Human
Immunodeficiency Virus - Repeal- **Support**

The Attorney General urges the Judiciary Committee to report favorably on House Bill 485.

House Bill 485 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 communicable or

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>

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

For these reasons, the Attorney General urges a favorable report on HB 485.

cc: Del. Kris Fair & Members of the Committee