



January 27, 2025

Senator William Smith, et. al.
Senate Judicial Proceedings Committee
Maryland General Assembly
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Re: IN SUPPORT OF SB 356 - Public Health - Repeal of Prohibition on Transfer of Human Immunodeficiency Virus (Carlton R. Smith Act)
(Committee Hearing Scheduled for January 29 2025, at 11 a.m. ET)

Dear Senator Smith et al.,

Equality Federation is testifying in favor of SB 356. Equality Federation (EF) has been a leader in supporting and amplifying statewide LGBTQ+ advocacy efforts for over 25 years to bring national attention and awareness to historically siloed state-based LGBTQ+ issues. In close partnership with FreeState Justice, EF is a staunch supporter of modernizing HIV laws like the one that currently exists in Maryland.

Data and [lived experiences illustrate how HIV criminalization laws in Maryland don't work as intended](#), are a threat to public health, don't align with current science, and increase HIV stigma and discrimination. Notably, the Baltimore Ending the HIV Epidemic (EHE) Plan that the Baltimore City Health Department developed explicitly states that "removal of this law would be a significant positive step for de-stigmatization of people living with HIV and would go a long way in helping improve prevention and treatment recommendations."¹ Maryland's current HIV-criminalizing law disproportionately criminalizes Black people, who are already disproportionately targeted by our criminal justice system. This disparate impact is magnified due to the fact that 74.4% of Marylanders living with diagnosed HIV in 2021 were Black people. Consequently, this law systematically targets Black Marylanders, including Marylanders who happen to be Black *and* members of the LGBTQ+ community.

Repealing this law is also recommended by the Centers for Disease Control & Prevention (CDC) because HIV criminalization contradicts science and doesn't take into consideration treatment and technological advancements since the early days of the epidemic. This is illustrated by the fact that a good majority (65%) of Marylanders living with HIV are virally suppressed, meaning it is impossible for them to sexually transmit the virus, yet, under current law, they can still face prosecution.

For all these reasons, EF respectfully asks that you vote in favor of SB 356. Please do not hesitate to email me if I can provide additional information at fran@equalityfederation.org.

Sincerely,
Fran Hutchins, Executive Director

¹ Baltimore's Guiding Document for HIV/AIDS Efforts in the City (2020 - 2030)