

**CAROLYN A. QUATTROCKI**  
*Chief Deputy Attorney General*

**LEONARD J. HOWIE III**  
*Deputy Attorney General*

**CARRIE J. WILLIAMS**  
*Deputy Attorney General*

**ZENITA WICKHAM HURLEY**  
*Chief, Equity, Policy, and Engagement*



**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

**ANTHONY G. BROWN**  
*Attorney General*

**PETER V. BERNS**  
*General Counsel*

**CHRISTIAN E. BARRERA**  
*Chief Operating Officer*

January 29, 2025

**TO:** The Honorable Will Smith, Jr.  
Chair, Judicial Proceedings Committee

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

**RE:** Senate Bill 356 – Public Health - Repeal of Prohibition on Transfer of  
Human Immunodeficiency Virus (Carlton R. Smith Act) - **Favorable**

---

The Office of the Attorney General (OAG) urges the Judicial Proceedings Committee to report favorably on **Senate Bill 356**.

**Senate Bill 356** 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.<sup>1</sup> Moreover, the treatment of HIV transmission under this statute, when the knowing transmission of other serious 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 OAG urges a favorable report on **Senate Bill 356**.

**cc:** The Honorable Senator Will Smith, Jr.  
Members of the Judicial Proceedings Committee

---

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