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BILL: Senate Bill 356 - Public Health - Prohibition on Transfer of Human Immunodeficiency Virus - Repeal

DATE: January 27, 2025

POSITION: FAVORABLE

COMMITTEE: Judicial Proceedings

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Annapolis Pride **supports** Senate Bill 356, which repeals the criminalization of knowingly transmitting HIV. This misguided statute is not only ineffective as a public health measure but detrimental to preventing the spread of the virus. It also targets marginalized groups and misallocates desperately needed funds that could be used for prevention programs and access to care.

According to UNAIDS, statutes like the one currently in effect in Maryland have been shown to hinder access to HIV services and increase the risk of transmission. Repealing such a statute would promote testing and treatment, reduce stigma and shift the focus to prevention through antiretroviral therapy (ART) and pre-exposure prophylaxis (PrEP). When taken consistently, ART can suppress the virus to undetectable levels, effectively eliminating the risk of transmission. Criminalization, however, perpetuates outdated misconceptions of HIV as a highly contagious and uncontrollable disease.

Criminalizing HIV transmission raises significant human rights concerns, particularly due to its discriminatory impact on marginalized groups, including LGBTQ+ individuals and people of color, exacerbating existing inequalities. These laws often penalize people even in cases where there is no intent to harm or when they have disclosed their status and taken precautions, undermining principles of consent and shared responsibility.

Research by the Williams Institute reveals a stark disparity: Black individuals account for 82% of defendants in HIV-related criminal cases, despite representing only 14% of the state's population and 44% of those living with HIV. This data highlights a clear pattern of racial bias in the criminal justice system and in enforcement. By focusing on intent to transmit and rooted in historical prejudice, these laws create significant opportunities for the discriminatory targeting and prosecution of Black individuals, particularly Black men, living with HIV.

Lastly, statutes like Maryland's shift critical funding to legal proceedings and incarceration when it would be more effectively spent on education, prevention programs and access to care.

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. Accordingly, Annapolis Pride respectfully requests a **favorable** committee report on Senate Bill 356.

