

# Ezra Towne

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**Favorable Testimony on Bill SB0356:  
Public Health - Repeal of Prohibition on Transfer of Human Immunodeficiency Virus  
Carlton R. Smith Act**

January 27, 2025

Chair William C. Smith, Jr., Vice-Chair Jeff Waldstreicher, and esteemed members of the Judicial Proceedings Committee,

I write to you today as a transmasculine nonbinary adult invested in the well-being of members of my community who are persons living with HIV (PLWH). My testimony on SB0356 is favorable, and I urge you to move this bill promptly through committee with a favorable vote.

SB0356 would repeal the outdated MD Code, Gen-Health § 18-601.1 (enacted in 1989) which unfairly penalizes people living with HIV (PLWH) with longer prison times and larger fines if they knowingly transfer or attempt to transfer HIV, as compared to people living with other infectious diseases. This code was crafted at a time when we knew very little about HIV, and how to or if we could treat it so that it is untransferrable.

My favorable testimony hinges on four key points:

- It unfairly stigmatizes people with HIV, marking PLWH as potential criminals. As such, it also discourages testing. Being unaware of your status undoubtedly leads to viral transfer.
- We now know a lot more about how to treat HIV in order to keep PLWH alive and well by suppressing its viral load, preventing it from becoming AIDS. We also know that modern medication suppresses viral load until it is undetectable. When it is undetectable, it is also untransferrable.
- Data shows that Gen-Health code § 18-601.1 is enforced disproportionately along racial lines. According to a 2024 study by the Williams Institute on enforcement of HIV criminalization in Maryland, black people comprise 82% of all HIV related prosecutions, yet only 30% of the state's population. Black men are also especially affected. They comprise just 14% of the state's population, and 68% of HIV related prosecutions.

In addition, MD Code, Gen-Health § 18-601.1 is unnecessary because it is covered in other areas of Maryland's criminal code: assault in the first degree (§ 3-202), assault in the second degree (§ 3-203), reckless endangerment (§ 3-204), knowingly and willfully causing another to ingest a bodily fluid (§ 3-215), rape in the first degree (§ 3-303), and sexual offense in the third degree (§ 3-307).

**I applaud the Judicial Proceedings committee for hearing SB0356, considering its full impact, and working to move the bill onto the House floor as quickly as possible via a favorable report.**

Sincerely,  
Ezra Towne  
District 18, Wheaton, MD