



Committee: House Judiciary Committee
Bill Number: HB 39 Public Health - Prohibition on Transfer of Human Immunodeficiency Virus - Repeal
Hearing Date: January 28, 2025
Position: Favorable

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The Maryland Nurses Association urges the House Judiciary committee to issue a favorable report on HB 39.

Repealing criminal penalties for knowingly transferring the HIV virus is essential for several reasons.

Firstly, criminalizing HIV transmission perpetuates stigma and discrimination against people living with HIV. This can discourage individuals from getting tested or disclosing their status, which is counterproductive to public health efforts. Criminalizing HIV transmission can also lead to unjust prosecutions and disproportionate impacts marginalized communities, including LGBTQ+ individuals and people of color.

Secondly, HIV should be treated as a public health issue rather than a criminal one. Focusing on education, prevention, and treatment is more effective in reducing transmission rates. Advances in HIV treatment have significantly reduced the risk of transmission. People with HIV who are in effective treatment and have an undetectable viral load cannot transmit the virus to others. Criminal laws do not reflect these scientific advancements.

Lastly, there is no evidence that criminalizing HIV transmission reduces the spread of the virus. Instead, it can create a false sense of security and divert resources from more effective prevention and treatment strategies.

Many states and countries are moving towards modernizing their HIV laws to reflect current scientific understanding and public health practices. MNA supports HB 39 as a means to shift from a punitive approach to a more compassionate and effective public health strategy.

Should you have any questions please contact our legislative counsel Bill Kress, Bill@kresshammen.com