



2601 N HOWARD ST
BALTIMORE, MD 21218
TEL 410) 625-LGBT (5428)
FAX 410) 625-7423
www.freestate-justice.org

Judiciary Committee
100 Taylor House Office Building
Annapolis, Maryland 21401

Friday, January 24, 2025

HB0039 – Public Health - Prohibition on Transfer of Human Immunodeficiency Virus - Repeal

Position: **FAVORABLE**

Chair Clippinger, Vice Chair Bartlett, and Esteemed Members of the Judiciary Committee:

My name is Ronnie L. Taylor, and I serve as the Community Advocacy Manager at FreeState Justice, Maryland’s leading advocacy organization dedicated to addressing legal and systemic inequities impacting LGBTQIA+ individuals. I am testifying today in strong support of **HB0039**, which seeks to repeal the archaic and harmful prohibition on the transfer of human immunodeficiency virus (HIV) under Maryland’s Health Code.

HB0039 is a critical step toward modernizing Maryland’s public health laws, reducing stigma for people living with HIV (PLHIV), and aligning state policy with contemporary scientific understanding and public health best practices.

HB0039 addresses a long-standing injustice within Maryland’s criminal code. Section 18-601.1 of the Health-General Article disproportionately criminalizes PLHIV, perpetuates stigma, and creates barriers to testing and treatment.

This outdated law was introduced in 1989 during the height of HIV hysteria and is based on disproven assumptions about HIV transmission. Under the current statute, individuals can be prosecuted regardless of whether they disclose their status, use preventive measures, or have an undetectable viral load, even though medical science confirms that undetectable equals untransmittable (U=U).

HB0039 will:

- 1. Bring Maryland’s Laws in Line with Current Science**
Medical advances have revolutionized HIV treatment and prevention. According to the Centers for Disease Control and Prevention (CDC),

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FreeState Justice, Inc. is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.

PLHIV who achieve viral suppression through antiretroviral therapy (ART) cannot transmit the virus to others. Criminalizing HIV based on outdated fears ignores this reality and undermines public health efforts.

2. **Encourage Testing and Treatment**

The current law disincentivizes testing because knowledge of HIV status is a prerequisite for prosecution. This creates a chilling effect on individuals seeking diagnosis and care, particularly in marginalized communities. Removing this statute will foster a supportive environment for people to learn their status and access life-saving treatments.

3. **Reduce Stigma and Discrimination**

HIV is the only disease explicitly singled out in Maryland's criminal code, reinforcing harmful stereotypes and stigmatizing PLHIV. The CDC has found no evidence that such laws reduce HIV transmission rates; instead, they perpetuate fear and misinformation.

4. **Address Racial Inequities**

Data from the Maryland Coalition to Decriminalize HIV highlights the racial disparities in enforcement of §18-601.1. Black individuals represent 82% of HIV-related prosecutions in Maryland, despite comprising only 30% of the state's population. Repealing this law is a necessary step toward reducing racial inequities in the criminal justice system.

5. **Align Maryland with National Trends**

Since 2021, nine states have modernized or repealed HIV criminalization laws. By passing HB0039, Maryland will join a growing number of states leading the charge in advancing equitable and evidence-based public health policies.

As a Black transgender woman and advocate, I have witnessed firsthand the disproportionate impact of HIV criminalization laws on marginalized communities. Marylanders living with HIV—particularly LGBTQIA+ individuals and Black men—face compounding stigma that these outdated laws exacerbate. Repealing §18-601.1 will remove an institutionalized barrier to justice, equity, and dignity for our communities.

In closing, I respectfully urge the committee to issue a **FAVORABLE** report for **HB0039**. By repealing the prohibition on the transfer of HIV, Maryland can modernize its laws, improve public health outcomes, and affirm its commitment to equity and inclusion.

This legislation is not only an opportunity to right past wrongs but also a chance to lead in the fight against HIV stigma and criminalization.

Best,

Ronnie L. Taylor

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