

BILL NO: House Bill 39
TITLE: Public Health - Prohibition on Transfer of Human Immunodeficiency Virus -
Repeal
COMMITTEE: Judiciary
HEARING DATE: January 28, 2025
POSITION: SUPPORT

House Bill 39 would repeal the prohibition on an individual from knowingly transferring or attempting to transfer the human immunodeficiency virus to another individual. According to current Maryland law, a person with HIV can face up to three years in prison and a \$2,500 fine for knowingly transferring or attempting to transfer the virus to another person. Under current law, punishable activities include consensual sex, breastfeeding, needle sharing, blood and tissue donation, and biting or spitting. The Women's Law Center supports HB 39 because it will work towards ending the stigma of HIV in the LGBTQIA+ community by no longer singling out HIV.

When the HIV epidemic first emerged, people with HIV were stigmatized by the law, our health-care system, and general society. Many states passed laws like Maryland's to criminalize the knowing transmission of HIV. These laws marginalize and unfairly target the LGBTQIA+ community, as well as other marginalized communities, such as certain immigrant populations, with high rates of HIV. It is time to remove the vestiges of laws that stigmatize people living with HIV.

Importantly, research shows that these laws actually do the opposite of what is intended. Rather than reducing HIV transmission rates, they in reality bring about the conditions that increase HIV risk and infection. Criminal approaches to HIV transmission are counterproductive to advancing public health and detrimental to the health and wellbeing of those in marginalized settings, particularly those in the sex trades. HB 39 will rightfully repeal Maryland's draconian HIV criminalization law, resulting in improved health outcomes for all persons, including those in the LGBTQIA+ community, sex workers and trafficking survivors.

For these reasons the Women's Law Center of Maryland urges a favorable report on House Bill 39.

The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.