
TESTIMONY IN SUPPORT OF HOUSE BILL 39

Public Health - Prohibition on Transfer of Human Immunodeficiency Virus - Repeal
Judiciary Committee
January 28, 2025

Social Work Advocates for Social Change (SWASC) strongly supports HB 39, which repeals the antiquated misdemeanor penalty for knowingly transferring or attempting to transfer HIV to another. This outdated law was enacted at a time when both the science and stigma of HIV was very different. Its repeal recognizes medical advancements, and would reduce stigma, address racial inequities, promote public health, and eliminate duplicative and unnecessary laws

Modern medicine makes HIV non-transmissible for those with undetectable viral loads. People living with HIV who adhere to treatment can maintain undetectable viral loads, eliminating the risk of transmission to others.¹ Despite this, Maryland’s current law, enacted in 1989 during the peak of the HIV epidemic, allows for the prosecution of People Living with HIV (PLHIV) even when they pose no risk of harm, perpetuating outdated and harmful perceptions of HIV.

Criminalization undermines public health efforts to end the HIV epidemic by discouraging testing and treatment. Studies suggest that fear of prosecution deters individuals from seeking testing and care. A 2017 study revealed that 7% of individuals cited prosecution as a barrier to testing, which could lead to an estimated 18.5% increase in HIV transmission.² Additionally, national data suggests that most new infections come from individuals who are unaware of their HIV status, highlighting the need for policies that encourage – rather than hinder – testing and treatment.³

HIV criminalization exacerbates racial disparities in the legal system. In Maryland, Black men make up 15% of the population, but account for 44% of HIV cases and 65% of HIV-related arrests.⁴ The current law perpetuates systemic inequalities by disproportionately targeting communities already most impacted by the HIV epidemic. Repealing Section 18-601.1 is an opportunity to advance racial equity and dismantle discriminatory practices in public health law.

Reckless endangerment laws already address intentional harm. Individuals who aim to transmit HIV intentionally, as well as other sexually transmitted infections (STIs), could still be prosecuted under reckless endangerment statutes. The current law is duplicative, unnecessary, and singles out HIV leading to further stigmatization of the illness. For these reasons, **thirteen other states have already eliminated HIV criminalization laws.**

The science underscores my – and other members of SWASC’s – personal and



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professional experiences working with PLHIV. I have spent nearly half of my life working alongside PLHIV. Beginning in 1997, I worked for 20 years at a camp for children affected by HIV. As a Peace Corps volunteer in Zambia, I worked with PLHIV to develop income-generating activities, and later, I worked as a housing case manager for PLHIV at a transitional shelter in Honolulu, Hawai'i. These experiences motivate SWASC's strong support for policies that reduce HIV stigma, reflect medical advancements, align with public health initiatives, and promote equity.

Thank you for your consideration. **Social Work Advocates for Social Change urges a favorable report on HB 39.**

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

¹ Centers for Disease Control and Prevention (CDC). (2023, August 9). *HIV as prevention.*

<https://www.cdc.gov/hiv/risk/art/index.html>

² Sweeney, P., Gray, S. C., Purcell, D. W., Sewell, J., Babu, A. S., Tarver, B. A., & Mermin, J. (2017). Association of HIV diagnosis rates and laws criminalizing HIV exposure in the United States. *Aids, 31*(10), 1483-1488.

³ Centers for Disease Control and Prevention. (2023, August). *Vital signs: Ending the HIV epidemic.*

<https://www.cdc.gov/vitalsigns/end-HIV/>

⁴ Cisneros, N., Tentindo, W., Sears, B., Macklin, M. L., & Bendana, D. (2024). Enforcement of HIV Criminalization in Maryland.