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January 28, 2025

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Adam Spangler
Legislative Aide, Legislative Affairs, Office of the Attorney General

RE: House Bill 39 – Public Health - Prohibition on Transfer of Human
Immunodeficiency Virus - Repeal- **Favorable**

The Office of the Attorney General (OAG) urges the Judiciary Committee to report favorably on **House Bill 39**.

House Bill 39 would repeal § 18-601.1 of the Health–General Article, which makes the knowing transfer or attempted transfer of the human immunodeficiency virus (HIV) a criminal offense subject to up to 3 years’ imprisonment.

Section 18-601.1 was enacted in the 1980s, when the understanding of HIV transmission was more limited and the treatment of HIV and AIDS was far less advanced than it is today. The criminalization of HIV transmission is not consistent with the current public health understanding of effective ways to discourage and prevent HIV transmission.¹ Moreover, the treatment of HIV transmission under this statute, when the knowing transmission of other serious communicable or sexually transmitted diseases is not similarly treated under State law, stigmatizes those living with HIV and raises equity concerns.

For these reasons, the OAG urges a favorable report on **House Bill 39**.

cc: Members of the Judiciary Committee
Delegate Kris Fair

¹ See U.S. Centers for Disease Control and Prevention, HIV and STD Criminalization Laws, <https://www.cdc.gov/hiv/policies/law/states/exposure.html>

