

HOUSE BILL 1382

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5lr2567

By: **Delegate Bagnall**

Introduced and read first time: February 7, 2025

Assigned to: Judiciary and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Human Immunodeficiency Virus – Repeal of Prohibition on**
3 **Transfer and Study**

4 FOR the purpose of repealing the prohibition on an individual from knowingly transferring
5 or attempting to transfer the human immunodeficiency virus to another individual;
6 requiring the Maryland Department of Health to review and make recommendations
7 on statutory and regulatory provisions regarding the human immunodeficiency virus
8 that may be outdated or discriminatory and report its findings to certain committees
9 of the General Assembly on or before a certain date; and generally relating to the
10 human immunodeficiency virus.

11 BY repealing
12 Article – Health – General
13 Section 18–601.1
14 Annotated Code of Maryland
15 (2023 Replacement Volume and 2024 Supplement)

16 Preamble

17 WHEREAS, Maryland is a leader in public health; and

18 WHEREAS, The National Institutes of Health, in collaboration with global partners,
19 have set an ambitious goal of eradicating HIV/AIDS by 2030; and

20 WHEREAS, Achieving the goal of eradicating HIV/AIDS by 2030 requires both
21 optimizing treatment and prevention for individuals living with or at risk for HIV and
22 ending the HIV/AIDS pandemic as an epidemiologic and global health phenomenon; and

23 WHEREAS, Our understanding of HIV, how it is spread, how it is managed, and
24 how it can be prevented has advanced significantly in the last 50 years; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, There has been a national effort to destigmatize HIV/AIDS by repealing
2 and modernizing criminalization laws to better align with current scientific evidence; and

3 WHEREAS, Maryland has joined other states in having achieved U=U or
4 undetectable = untransmittable and understand that barriers to testing pose barriers to
5 treatment; and

6 WHEREAS, In support of the effort to eradicate HIV/AIDS in our lifetime, Maryland
7 seeks to join the national effort of early detection, treatment, management and prevention;
8 and

9 WHEREAS, Criminalization of HIV/AIDS has negatively and disproportionately
10 impacted the LGBTQ+ community; and

11 WHEREAS, Criminal penalties associated with certain diseases are not only
12 stigmatizing but are not good public policy as the penalties are not grounded in the science
13 of managing, treating, and eradicating disease; now, therefore,

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 [18–601.1.

18 (a) An individual who has the human immunodeficiency virus may not knowingly
19 transfer or attempt to transfer the human immunodeficiency virus to another individual.

20 (b) A person who violates the provisions of this section is guilty of a misdemeanor
21 and on conviction is subject to a fine not exceeding \$2,500 or imprisonment not exceeding
22 3 years or both.]

23 SECTION 2. AND BE IT FURTHER ENACTED, That:

24 (a) The Maryland Department of Health shall:

25 (1) review statutory and regulatory policies in the State regarding the
26 human immunodeficiency virus and determine whether the policies are outdated or
27 discriminatory; and

28 (2) make recommendations on updates to policies identified as outdated or
29 discriminatory under item (1) of this subsection that would align the policies with current
30 public health best practices.

31 (b) On or before December 1, 2025, the Department shall report its findings and
32 recommendations from the review conducted under subsection (a) of this section to the

1 Senate Finance Committee and the House Health and Government Operations Committee,
2 in accordance with § 2–1257 of the State Government Article.

3 SECTION 3. AND BE IT FURTHER ENACTED, That:

4 (a) Section 2 of this Act is contingent on the Maryland Department of Health's
5 ability to conduct the review and make the recommendations required under Section 2 of
6 this Act with existing Maryland Department of Health resources.

7 (b) On or before July 5, 2025, the Maryland Department of Health shall notify the
8 Department of Legislative Services whether the Maryland Department of Health is able
9 to conduct the review and make the recommendations with existing resources.

10 (c) (1) If, on or before July 5, 2025, the Department of Legislative Services
11 receives a notice that the Maryland Department of Health is able to conduct the review and
12 make the recommendations with existing resources, Section 2 of this Act shall take effect
13 on the date the notice is received by the Department of Legislative Services in accordance
14 with subsection (b) of this section.

15 (2) If the Department of Legislative Services does not receive a notice under
16 subsection (b) of this section before the end of July 5, 2025, or receives a notice on or before
17 July 5, 2025, that the Maryland Department of Health does not have sufficient resources
18 to conduct the review and make the recommendations, Section 2 of this Act, with no further
19 action required by the General Assembly, shall be null and void.

20 SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
21 effect October 1, 2025.

22 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this
23 Act and except as provided in Section 4 of this Act, this Act shall take effect July 1, 2025.