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Bill: HB1486
Title: Public Health – Non-Controlled Dangerous Substance Prescription Record System Program
Date: March 06, 2020 1:00 p.m.
Committee: Health and Government Operations Committee
Position: OPPOSE

To the Honorable Delegate Shane E. Pendergrass and Esteemed Members of the Committee:

FreeState Justice is a statewide legal advocacy organization that seeks to improve the lives of low-income lesbian, gay, bisexual, transgender, and queer (“LGBTQ”) Marylanders. We work across Maryland to provide free civil legal aid to LGBTQ Marylanders with low incomes who are facing discrimination. Those clients include individuals who are minors, seeking STI treatment and transgender care.

FreeState Justice whole heartedly opposes HB1486, which establishes a public statewide database for all dispensed prescription medication.

In the 2018 we published an assessment addressing the needs of LGBTQ Marylanders, with 36.1% of respondents identifying healthcare as a critical issue¹. More than a quarter identified that HIV/AIDS is one of the most significant health concerns amongst LGBTQ individuals. 12.1% reported that family planning is another area of concern in healthcare. 19.5% reported that transition-related care was a major barrier in allowing transgender and non-binary populations to access adequate healthcare. Many barriers, including stigma and discrimination prevent LGBTQ patients from seeking care. Allowing their personal prescription record to be published would only add another significant healthcare barrier to LGBTQ individuals.

In 2018 YRBS, over one-thousand LGBTQ students reported sexual activity with no use of condoms, or other STI preventative methods.²

¹ Agostini, Saida M. (2018). Pushing Back: A Blueprint for Change. Lessons Learned from the 2016 Needs Assessment of LGBTQ Marylanders.

² 2018 Youth Risk Behavior Survey.

<https://phpa.health.maryland.gov/ccdpc/Reports/Documents/2018%20YRBS%20YTS%20Reports/Maryland/2018MDH%20Sexual%20Identity.pdf>

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Many minors will therefore seek STI testing without their parents' consent, due to fear of abuse, discrimination, absence of a guardian, and many other factors. Many LGBTQ minors may also seek conversion therapy or family planning care without their parent's knowledge. Publishing a database with prescribed medications would pose a major setback for minors seeking STI treatments, family planning care, and/or transgender care.

HIV/AIDS continues to be a major public health concern for the LGBTQ population, with African American gay men and transgender women being most likely to contract HIV. Black gay men make up 53% of new HIV cases in the United States, and 1 in 3 Black gay men are living with HIV today. ³ This bill will impose on the public health initiative to address HIV/AIDS because an individual might not seek treatment when they realize that their prescription record will be published.

This bill has many negative consequences that would affect the LGBTQ youth of Maryland. We want to continue to support LGBTQ minors who seek medical care without their parents' consent, and support their choice to privacy concerning their prescribed medications.

FreeState Justice strongly urges the Committee to OPPOSE HB1486.

Thank you for the opportunity to comment on this important legislation, and please do not hesitate to contact us if we can be of further assistance.

Sincerely,
Mark A. Procopio
Executive Director

³ AmFar, HIV and the Black Community: Do Black (Gay) Lives Matter?. (February 2015). Retrieved https://www.amfar.org/uploadedFiles/_amfarorg/Articles/On_The_Hill/2016/Black-Gay-Men-and-HIV.pdf