



**Committee:** Senate Judicial Proceedings Committee

**Bill Number:** HB 287

**Title:** Public Health - Prohibition on Transfer of Human Immunodeficiency Virus - Repeal

**Hearing Date:** March 28, 2023

**Position:** Support

---

The Maryland Affiliate of the American College of Nurse Midwives (ACNM) supports *Public Health - Prohibition on Transfer of Human Immunodeficiency Virus - Repeal*. The bill will repeal the current misdemeanor (MD. CODE. ANN., HEALTH-GEN. § 18-601.1) that criminalizes the transmission or potential transmission of HIV.

The current law is stated in such a way that even breastfeeding a child or consensual sex using a barrier contraceptive can be interpreted as a criminal act.<sup>1</sup> In 2023, the science of preventing and treating HIV renders this law both cruel and unnecessary. Medications for both pre- and post-exposure prophylaxis have transformed the risk equation in all settings, including perinatal exposure, sexual activity, and even needle-sharing. In addition, current treatment regimens for people living with HIV are highly effective at preserving health and preventing transmission.<sup>2</sup>

We ask for a favorable report on this legislation. If we can provide any further information, please contact Robyn Elliott at [relliott@policypartners.net](mailto:relliott@policypartners.net) or (443) 926-3443.

References:

1. The Center for HIV Law and Policy. <https://www.hivlawandpolicy.org/states/maryland>. Accessed 1/30/2023.
2. HIV.gov. <https://www.hiv.gov/>. Accessed 1/30/2023.