

March 27, 2023

Senator William C. Smith, Jr. et al.  
Judicial Proceedings Committee  
Maryland General Assembly  
Room 101  
House Office Building  
Annapolis, Maryland 21401

Dear Senator Smith, et al.

I am writing testimony in favor of HB 287 “Public Health – Prohibition of Transfer of Human Immunodeficiency Virus – Repeal.” I am writing as a Maryland state citizen, Baltimore City resident and physician who specializes in HIV prevention and treatment. I have been providing care to people living with HIV for over 20 years and have seen first-hand how advances in antiretroviral therapy have made it possible for people living with HIV to live full, healthy, productive lives with life expectancy near that of people who do not have HIV. With HIV treatment and suppression of the HIV virus, HIV cannot be passed to sex partners (also known as “undetectable = untransmittable” or “U=U”). Despite these advances in treatment and the knowledge of “U=U,” the stigma and discrimination people living with HIV face remains significant. The current Maryland State Law “Prohibition of Transfer of Human Immunodeficiency Virus” contributes to this stigma and has been used to convict people living with HIV due to acts that do not pose a meaningful risk to transmit HIV such as spitting and throwing bodily fluids. HIV criminal statutes punish health status and not intentional wrongdoing and disproportionately affect black men and women and those already disproportionately targeted by the criminal legal system.

As noted by the CDC, “After more than 40 years of HIV research and significant biomedical advancements to treat and prevent HIV transmission, many state laws are now outdated and do not reflect our current understanding of HIV ... these laws have been shown to increase stigma, exacerbate disparities, and may discourage HIV testing.” HB 287 “Public Health – Prohibition of Transfer of Human Immunodeficiency Virus – Repeal” should be passed to bring Maryland to the 21<sup>st</sup> century and contribute to rather than thwart our efforts to End the HIV Epidemic in Maryland and the United States.

Sincerely,



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References:

CDC, HIV and STD Criminalization laws: <https://www.cdc.gov/hiv/policies/law/states/exposure.html>  
NIAID/NIH, HIV Undetectable=Untransmittable: <https://www.niaid.nih.gov/diseases-conditions/treatment-prevention>  
HIV and Ending the HIV Epidemic: <https://www.webmd.com/hiv-aids/news/20210616/is-decriminalizing-hiv-the-key-to-ending-epidemic>