



## TESTIMONY TO THE JUDICIAL PROCEEDINGS COMMITTEE

### HB287 - Public Health - Prohibition on Transfer of Human Immunodeficiency Virus

#### - Repeal

#### Position- Support

**By:** Nancy Soreng, President League of Women Voters of Maryland

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The League of Women Voters is a nonpartisan organization that works to influence public policy through education and advocacy. The League supports HB287, which eliminates the unequal criminal treatment of people living with human immunodeficiency virus (HIV) by fully repealing § 18–601.1 of the Health Article from the Maryland Code.

The League advocates for the health and safety of all Americans, including those living with HIV. The League’s Social Policy includes an equitable criminal justice system and elimination of systemic bias, as well as access to quality health care *for all U.S. residents*.<sup>1</sup> The current law is out of sync with Maryland’s public health goals, discriminates against people with HIV, and its enforcement disproportionately impacts marginalized communities.

The current law criminalizes a person’s health status, rather than intentional actions. The stigma created by the current law thus leads to higher transmission levels in the state. The law unfairly and arbitrarily penalizes people who are safely managing an HIV diagnosis thanks to advances in medicine. A 2017 study from the Centers for Disease Control found no correlation between HIV diagnosis rates and the effectiveness of criminal exposure laws.

HIV is the only disease specifically singled out by statute. No other disease, whether it is a sexually transmitted disease or otherwise, is specifically named in the Maryland Code. All other diseases are covered under the general transmission statute, § 18-601, and through civil tort liability. Legal guardrails already exist to penalize people who knowingly and intentionally transmit a communicable disease. That law does not additionally stigmatize vulnerable populations.

People are prosecuted for behavior that poses only a remote/minuscule risk of HIV transmission. The burden of enforcement also disproportionately falls on marginalized communities. Nationally, these laws specifically exacerbate the well documented

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<sup>1</sup> <https://www.lww.org/sites/default/files/2020-12/LWV-impact-2020.pdf>

over-criminalization of Black, gay, and transgender Americans, as well as sex workers, among other marginalized groups.

The League of Women Voters of Maryland, representing concerned citizens throughout the state, strongly urges a favorable report.