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Support Testimony

HB 287-Public Health- Prohibition on Transfer of Human Immunodeficiency Virus- Repeal

To Honorable William C. Smith, Jr., Chair
Judicial Proceedings Committee
Miller Senate Office Building
Annapolis, MD 21401

Chair Smith and Esteemed Members of the Judiciary Committee,

The Frederick HIV Coalition urges your support for House Bill 287 which seeks to address and repeal the criminalization of the transfer of Human Immunodeficiency Virus (HIV). Maryland HIV Criminalization law ignores the current understanding of HIV and the science behind HIV transmission. It uses the perception of danger due to antiquated beliefs to designate persons living with HIV as a threat to the general public. The added misconception and perception of HIV as a 'gay disease' allows for the discrimination, retaliatory behavior and targeting of LGBTQ individuals and other charges are often arbitrarily added to increase sentencing.

Maryland Laws Ignore Science:

The medical field has done extensive research into the pathology of the transmission of HIV and it is evident which ways the virus is transmitted and which ways it is not. HIV can not be passed through saliva; yet, 'spitting' is an action that could carry with it the designation of attempting to expose someone to HIV and has the potential to include 'reckless endangerment' as an offense. Current medical research tells us that those who are HIV positive and adhere to Antiretroviral Therapies (ART) and maintain an undetectable status cannot pass the virus on to others sexually and are similar to those living without the

virus. Because of these therapies, those living with HIV have life expectancies and qualities of life parallel to those of non-positive persons. ARTs have also allowed for the development of Pre/Post-exposure Prophylaxis (PrEP/PEP) which allow those who are negative to prevent infection even if exposed to the virus. Current Maryland law ignores these factors and does not take into account during sentencing the presence or use of ARTs, PrEP, condoms, or other preventive measures during even consensual encounters and allows for charges of "knowingly attempting to transmit HIV" to be considered regardless of actual possibility of transmission.

Arbitrary Verbiage Allows for Specific Targeting:

Maryland HIV laws currently state 'exposure' or 'perception of exposure' as means for bringing forward charges against HIV positive individuals. However, due to the aforementioned progresses in HIV treatment, oftentimes there is no exposure or even threat of exposure, because the virus cannot be passed on. Maryland laws target individuals who have 'knowledge' of their status in an interaction regardless of the actual presence of harm and use the 'perception' of harm or discomfort as means for prosecution. This allows for easy targeting of vulnerable populations, especially those in LGBTQ communities.

Prohibits the Eradication of HIV and inhibits HIV Prevention Initiatives:

In 2019 The United States announced a plan to end the HIV epidemic by 2030 (EHE) with the goal of reducing new infections by 90 percent. This plan relies on the combination of HIV testing, diagnosis treatment, and the availability of resources and programs. However the Centers for Disease Control and Prevention (CDC) state that one of the biggest hurdles to testing, treatment and the provision of resources is stigma. Societal shame, misinformation and fear of legal reprisals prevent individuals from testing and discourages status sharing.

Maryland HIV laws suppose that persons living with HIV are criminals by the very nature of being positive. HIV is not a crime, and those living with HIV pose no threat to their peers when given the resources. This is only possible through repeal of current Maryland law. We respectfully encourage your support for House Bill 287

Thank you,

Alex Biggus, Frederick HIV Coalition Director

