



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

SUPPORT TESTIMONY

HB 0287 – Public Health–Prohibition on Transfer of Human Immunodeficiency Virus –Repeal

The William C. Smith Jr., Chair
Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

Chair Smith, Vice-Chair Waldstreicher, and Esteemed Members of the Judicial Proceedings Committee:

House Bill 287 seeks to repeal an outdated and harmful law that criminalizes individuals for transferring the Human Immunodeficiency Virus (HIV). The negative impact of this law on the efforts to end the HIV epidemic in Maryland and across the country is significant. It disproportionately affects marginalized communities, including women of color, sex workers, and LGBTQIA+ people.

The law's impact on ending the HIV epidemic is counterproductive since it discourages people from knowing their HIV status. As we know, early diagnosis and treatment can significantly improve health outcomes and prevent transmission. Maryland's current law stigmatizes HIV discouraging people from getting tested and seeking treatment, which leads to increased transmission rates.

Furthermore, Maryland's HIV-specific criminalization law is among the most restrictive in the United States. Thirteen states including Texas, New Mexico, Oregon, Wyoming, and Illinois have no such criminalization for transmission of any infections. This creates an environment of fear and discrimination for those living with HIV and can discourage them from seeking the care they need.

According to the Centers for Disease Control and Prevention, "These laws have not increased disclosure and may decrease HIV testing, increase stigma against people with HIV, and exacerbate disparities."

Advances in treatment and outreach have put us on the cusp of ending the HIV epidemic in the United States. Once-a-day antiretroviral therapy (ART) creates an undetectable viral load, meaning the individual is untransmissible even in high-risk sexual encounters. Anti-stigma campaigns have encouraged testing and knowing your status to live a healthy life. Pre- and Post-exposure Prophylaxis (PrEP and PEP) allows individuals concerned about potential transmission to take a beta-inhibitor that is 99% effective in blocking HIV from replicating in the body.

HIV is the only transmitted disease held up for special prosecution in Maryland. Countless other diseases like Syphilis, Hepatitis, and Coronavirus Disease (CD) can kill you when left untreated, and numerous other diseases can have lifelong impacts on a person's health and well-being. The unequal application of the law

targets people living with HIV, stigmatizing them as having a unique infection that deserves special laws governing their day-to-day interactions.

Therefore, repealing the current law is necessary to support vulnerable communities and end the HIV epidemic. By removing the fear of criminalization, individuals will be more likely to get tested, receive treatment, and reduce transmission rates. The passage of House Bill 287 will decrease stigma, decrease discrimination, and contribute to ending the HIV epidemic in Maryland.

For these reasons, I urge your support for House Bill 287 and respectfully request a favorable report.

Thank you,

A handwritten signature in blue ink that reads "Kris Fair". The signature is written in a cursive, flowing style.

Delegate Kris Fair