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**TO:** The Honorable Luke Clippinger  
Chair, Judiciary Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** HB 287 - Public Health - Prohibition on Transfer of HIV - Repeal  
(SUPPORT)

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The Attorney General urges the Judiciary Committee to report favorably on House Bill 287.

House Bill 287 would repeal § 18-601.1 of the Health-General Article, which makes the knowing transfer or attempted transfer of the human immunodeficiency virus (HIV) a criminal offense subject to up to 3 years' imprisonment.

Section 18-601.1 was enacted in the 1980s, when the understanding of HIV transmission was more limited and the treatment of HIV and AIDS was far less advanced than it is today. The criminalization of HIV transmission is not consistent with the current public health understanding of effective ways to discourage and prevent HIV transmission.<sup>1</sup> Moreover, the treatment of HIV transmission under this statute, when the knowing transmission of other serious communicable or sexually transmitted diseases is not similarly treated under State law, stigmatizes those living with HIV and raises equity concerns.

For these reasons, the Attorney General urges a favorable report on HB 287.

**cc:** Members of the Committee

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<sup>1</sup> See U.S. Centers for Disease Control and Prevention, HIV and STD Criminalization Laws, <https://www.cdc.gov/hiv/policies/law/states/exposure.html>

*This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or [sbrantley@oag.state.md.us](mailto:sbrantley@oag.state.md.us)*