



February 3, 2023

Delegate Luke Clippinger, Chairman, Judiciary  
Room 101, House Office Building  
Annapolis, MD 21401

**House Bill 287 - Public Health - Prohibition on Transfer of Human Immunodeficiency Virus - Repeal - FAVORABLE**

Dear Chair Clippinger and House Judiciary Committee members,

Baltimore Harm Reduction Coalition (BHRC) is an advocacy organization that mobilizes community members for the health, dignity, and safety of people targeted by the war on drugs and anti-sex worker policies. As a certified Overdose Response Program, Naloxone distributor, and syringe service program, we have provided essential health care services across the state for years. BHRC supports Public Health - Prohibition on Transfer of Human Immunodeficiency Virus - Repeal.

HB287 proposed to remove the misdemeanor prohibition against, and associated penalty for, knowingly transferring or attempting to transfer the human immunodeficiency virus (HIV) to another individual. Prosecution under this current statute has been rare in recent years. There were five charges in fiscal 2020, two charges in fiscal 2021, three charges in fiscal 2022, and zero convictions in any of these years for knowingly transferring or attempting to transfer HIV.

**BHRC supports HB287 and broader efforts to increase access, autonomy, and power for people targeted by criminalization and the drug war.** The history of scapegoating “public health interest” as a reason to criminalize people - mostly Black people, LGBTQ+ people, and people who use drugs - has devastated communities across the country. The current statute prohibiting transfer of HIV allows for a fine five times as costly and a jail sentence three times as long as compared to the general disease statute, unjustly criminalizing people living with HIV. Of the 773 reported HIV diagnoses in Maryland in 2021, 7.9% were attributed to transfer via needle sharing.<sup>1</sup>

Maryland must enable people to feel safer about discussing their health status and stigmatized behaviors related to sex and drug use with loved ones, service providers, and support networks. The most effective action to reduce stigma associated with HIV and drug use is to remove pathways to incarceration, such as the criminalization of people living with HIV. In the midst of multiple intersecting public health crises, Marylanders deserve the relief that this bill provides by eliminating barriers to care and uplifting the dignity of some of Maryland’s most marginalized communities. **We ask that the House Judiciary give HB287 a favorable report.**

For more information about Baltimore Harm Reduction Coalition or our position, please contact our Director of Mobilization, Rajani Gudlavalleti at [Rajani@BaltimoreHarmReduction.org](mailto:Rajani@BaltimoreHarmReduction.org).

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<sup>1</sup> Maryland Department of Health HIV and Injection Drug Use in Maryland, 2021. Data Reported Through June 30, 2022.