

Committee:	House Health and Government Operations Committee
Bill Number:	House Bill 1171 - Nonprescription Drugs and Devices - Provision by Registered Nurses and Sale of Contraceptives Through Automatic Devices
Hearing Date:	March 1, 2024
Position:	Support

The Women's Law Center of Maryland (WLC) supports *House Bill 1171 – Nonprescription Drugs and Devices – Provision by Registered Nurses and Sale of Contraceptives through Automatic Devices*. The bill repeals outdated prohibitions on the sale of condoms through vending machines and clarifies that local health department nurses may dispense over-the-counter products, including condoms.

Maryland is the only state to impose a criminal misdemeanor penalty related to the sale of condoms in vending machines. No one may sell a non-latex condom in a vending machine in any setting, and no one may sell any type of condom through a vending machine in a school setting.

As we have reviewed the legislative history, we believe that the ban on the sale of non-latex condoms was related to concerns about the efficacy of non-latex condoms in preventing transmission of HIV in the 1980's. However, since that time, the Food and Drug Administration has approved a number of options for non-latex condoms, which are important because the growing number of people with latex allergies. Our review found no information or data that demonstrated why a criminal penalty was warranted for the sale of condoms in schools in vending machines.

It does not appear as though a Maryland court has ever imposed such penalties. However, these penalties perpetuate stigma about condom use. Such stigma is harmful. Maryland, just as other states, continues to see more cases of HIV, despite it being a preventable disease. In 2020, there were 724 new cases of HIV in Maryland.¹

Maryland should not continue being the only state with criminal penalties related to the sale of condoms in vending machines. We ask for a favorable report to repeal these outdated penalties. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net or (443) 926-3443.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland

<https://health.maryland.gov/phpa/OIDEOR/CHSE/SiteAssets/Pages/statistics/Maryland-HIV-Fact-Sheet-2021.pdf>