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To our valued community partners:

I am writing to you regarding false statements circulating about self-administered sexual assault evidence collection kits (“Self-Administered Collection Kits”). Information about these false statements was received by the Sexual Assault Evidence Kit (SAEK) Policy and Funding Committee, which I chair as Attorney General and is staffed by the Office of the Attorney General (OAG).

The SAEK Committee made the decision to advise you of these misrepresentations after receiving multiple and repeated reports that at least one manufacturer has been making false and misleading statements, both verbally and in writing, in promotion of their Self-Administered Collection Kits. Your work in our hospitals, nonprofit organizations, colleges and universities, and governmental agencies to assist victims of sexual assault is essential, and I want to ensure that you are not misled by these statements.

As background, Maryland House Bill 758/Senate Bill 789 (2023) directs the SAEK Committee to recommend guidance on the use of Self-Administered Collection Kits. In consultation with the OAG’s Consumer Protection Division, the SAEK Committee will make recommendations for educating consumers about their use. These recommendations are to be reported to the General Assembly and Governor by December 1, 2023. I want to make clear that, as of this date, the Committee has not formally issued any recommendations, authorizations, or any other guidance related to the use of Self-Administered Collection Kits.

The misleading statements include, but may not be limited to, false claims that:

- Self-Administered Collection Kits will be available at public access points in Maryland, including in some hospitals, health departments, and colleges and universities, at the State's expense beginning October 1, 2023; and
- the State has authorized the sale of Self-Administered Collection Kits, and evidence collected by Self-Administered Collection Kits will be eligible for entry into the Combined DNA Index System (“CODIS”).

The above statements are false. I urge you to notify the OAG's Consumer Protection Division of any company that makes similar claims.

In reference to these false claims, House Bill 758/Senate Bill 789 does not authorize the sale of Self-Administered Collection Kits nor the distribution of these kits at the State's expense, and claims to the contrary are patently untrue. I am not aware of any public official who has committed to endorse, purchase, or distribute a Self-Administered Collection Kit.

Furthermore, I am particularly concerned by reports of the false claim that Self-Administered Collection Kits can be entered into CODIS. CODIS is the DNA database that provides law enforcement investigative leads on a potential suspect or suspects based on DNA evidence recovered from a victim or crime scene. If a victim were to use a Self-Administered Collection Kit, the resulting evidence could not be entered into CODIS. CODIS requires, as you may be aware, proper documentation, such as hospital records and documentation of chain of custody, which is not possible with Self-Administered Collection Kits. Any company that advises that these kits can be entered into CODIS may give false hope that using a Self-Administered Collection Kit could result in a criminal prosecution and conviction, which I cannot condone and undermines the important work done by organizations like yours.

When the SAEK Committee has completed its work and provides its recommendations to the Governor and General Assembly on or before December 1, 2023, we will publicize the Committee's official recommendations. It is my priority that victims of sexual assault know their options and have information that they can trust, from providers like you who assist them through these difficult situations every day.

If you have any questions regarding this letter, please do not hesitate to reach out to either Rhea Harris, my committee chair designee, at rharris@oag.state.md.us, or to committee counsel Carisa Hatfield at chatfield@oag.state.md.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Brown', with a stylized, cursive script.

Anthony Brown