



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

SPONSOR TESTIMONY

HB39 - Public Health - Prohibition on Transfer of Human Immunodeficiency Virus – Repeal

The Carlton R. Smith Act

The Honorable Luke Clippinger, Chair
Judiciary Committee
Maryland House of Delegates
6 Bladen Street, Room 101
Annapolis, MD 21401

Chair Clippinger, Vice-Chair Bartlett, and Esteemed Members of the Judiciary Committee:

House Bill 39 aimed at repealing 18–601.1 of the Maryland Health Code, a statute that has long perpetuated an outdated and discriminatory view against people living with HIV (PLWHIV). This bill represents a crucial step towards aligning our legal framework with current scientific understanding, promoting public health, and ensuring justice and dignity for all Maryland residents.

Outdated Laws and the Need for Modernization

The existing statute under Maryland Health Code 18-601.1 is fundamentally flawed and misaligned with contemporary medical insights into HIV transmission. This law, rooted in the fears and misconceptions of a bygone era, penalizes behaviors that pose no substantial risk of transmitting HIV. We must recognize the leaps in medical science that have transformed HIV from a fatal diagnosis into a manageable chronic condition. Modern treatments like antiretroviral therapy (ART) enable PLWHIV to lead healthy lives and effectively end the ability of a person to transmit HIV to another person. Yet, our laws remain stagnant, failing to reflect these advancements.

The Stigma of Criminalization and Public Health Implications

The stigma attached to HIV criminalization has far-reaching consequences. It deters individuals from seeking testing and knowing their status, thus inadvertently contributing to the spread of HIV. The fear of criminal charges and enhanced penalties based solely on one's HIV status is a significant barrier to testing, treatment, and disclosure. This reality is not conjecture. According to a poll in October 2023, 87% believe that modernizing HIV laws would incentivize testing and treatment, and 82% agree that PLWHIV should receive health treatment instead of facing discriminatory criminal charges.

Bipartisan Support for HIV Criminalization Repeal

It is heartening to note the bipartisan support that HIV decriminalization and modernization has garnered nationwide. According to the Centers for Disease Control and Prevention (CDC), thirteen states in the last decade have either fully repealed or significantly decreased their HIV criminal laws. These states include California, Colorado, Georgia, Illinois, Iowa, Michigan, Missouri, Nevada, New Jersey, North Carolina, Virginia, and Washington. These states join states that never criminalized people living with HIV,

including Texas, New Mexico, Wyoming, Oregon, Maine, New Hampshire, Vermont, Connecticut, Delaware, Hawaii, and the District of Columbia.

Impact of House Bill 39

The passage of House Bill 39 would mark a significant milestone in Maryland's commitment to public health and justice. By repealing the discriminatory statute, this bill will:

1. Bring Maryland's law up to date with scientific advancements in understanding HIV.
2. Encourage HIV testing and treatment by removing the threat of criminalization, thereby helping to lower HIV transmission rates.
3. Remove the codified stigmatization of PLWHIV, fostering a more inclusive and empathetic society.

In conclusion, House Bill 39 is not merely a legal amendment; it is a stride toward eradicating stigma, promoting public health, and upholding the dignity of all individuals, particularly those living with HIV. I urge you to support this bill, as it aligns with our shared values of compassion, justice, and scientific integrity. This bill passed this committee and the House with a notable, and bipartisan majority in 2023 and again 2024, reflecting our collective understanding of its necessity. It is incumbent upon us to take this final step toward justice and public health.

For these reasons, I urge your support for House Bill 39 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
District 3, Frederick County