

SUPPORT HOUSE BILL 1325

Modernizing Indiana's HIV Public Health Laws

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SUMMARY

Several Indiana public health laws punish people living with HIV in ways that ignore medical facts, are counterproductive to public health, and do not reflect principles of legal justice. HB 1325 modernizes these laws by incorporating the current scientific understanding of HIV and only punishes behavior where there is intent to harm and significant risk of harm by HIV transmission.

BACKGROUND

Indiana's punitive HIV public health laws were enacted in 1988 and 1993 with limited medical understanding of HIV and tremendous fear surrounding the disease. Little was known about the virus, there were no effective treatments, and HIV stigma was pervasive. In the years since, societal and medical understanding of HIV/AIDS has greatly improved. We now know that these laws...

- **Have no public health benefit**, not a single study has found them to reduce HIV transmission. In fact, they work against public health by:
 - Punishing those who learn their HIV status;
 - Creating mistrust of health providers;
 - Working against successful prevention programs like partner notification services;
 - Not aligning with current HIV science;
 - Reinforcing inaccurate information about HIV
- **Increase stigma and discrimination**, which experts agree is one of the biggest obstacles to ending the HIV epidemic.
- **Lead to unjust prosecutions** as they punish behavior that neither caused, nor intended to cause, any harm and result in racially disparate prosecutions.
- **Are rejected by leading authorities** including the U.S. Department of Justice and numerous public health experts.
- **Are costly (\$) to the state** as they have no public health benefits.

HIV SCIENCE

- **HIV is not easily transmitted**; sexually, the highest risk act is less than 2% transmission risk.
- **HIV transmission can be prevented** with testing, medication and condom use.
- **Treatment is prevention**: Recent studies show that a person on HIV treatment and virally suppressed cannot transmit HIV sexually.
- **Life expectancy high**: for a 20-year old with HIV and on treatment is now 71+ years vs. 32 years in the 1980s.
- **Safe conception practices** enable men living with HIV to safely conceive babies using artificial insemination.
- **The US blood supply is the safest** in the world from transmission of infectious agents.

SOLUTION

Indiana law should be modernized to:

- Reflect the current landscape of HIV prevention, care and treatment.
- Maintain criminal penalties solely for people who intentionally harm others.

Reform will promote public health efforts to end the Indiana HIV epidemic by reducing HIV-related stigma and discrimination, eliminating barriers to HIV testing and treatment, and aligning laws with current HIV science.

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