

# SUPPORT HOUSE BILL 1340

## Modernizing Indiana's HIV Laws

### SUMMARY

**HB 1340** modernizes an outdated Indiana HIV law that makes it a crime for anyone who knows they have HIV to attempt to donate blood products or use semen for artificial insemination in fertility care.

### BACKGROUND

Indiana's punitive HIV blood donation and semen donation in fertility care laws were enacted in 1988, a time of limited medical understanding of HIV and fear. Little was known about the virus, there were no effective treatments, and HIV stigma was pervasive.

In the years since this law was enacted, societal and medical understanding of HIV 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.
- **Increase stigma,**  
which experts agree is one of the biggest obstacles to ending the HIV epidemic because it disincentives testing and treatment.
- **Lead to unjust prosecutions**  
as they punish behavior that has no chance of transmission and disproportionately affect racial minorities.
- **Are costly to the state**  
as they subject people living with HIV to potential prosecution and incarceration – wasted expenditures with no public health benefits.
- **Are rejected by leading authorities**  
such as the US Dept. of Health and Human Services, Dept. of Justice, Centers for Disease Control/Prevention, and numerous other public health experts.

### SCIENCE

- **Life expectancy is high:** a person with HIV, on treatment, can live as long as a person who is not.
- **HIV transmission can be prevented** with testing, medication, and use of prophylaxes.
- **The FDA requires blood products** to be tested for infectious agents, such as HIV and Hepatitis B to ensure safety. Blood that tests positive is destroyed. The US blood supply is the safest in the world.
- **Safe conception practices** are regulated by the FDA and enable people with HIV to conceive babies without transmitting HIV to their partners or children.

### SOLUTION

Indiana law should be modernized to reflect current advances in HIV science and treat HIV like any other communicable disease under the law.



*"Ending the HIV epidemic requires reforming and rescinding HIV criminal laws to align with science for the sake of people with HIV and for the public's health".*

Top CDC Officials - Drs. Mermin, Salvant and McCray  
*Lancet*: Vol 8, ISSUE 1, e4-e6, Jan 01, 2021

### WHAT DOES THIS BILL DO?

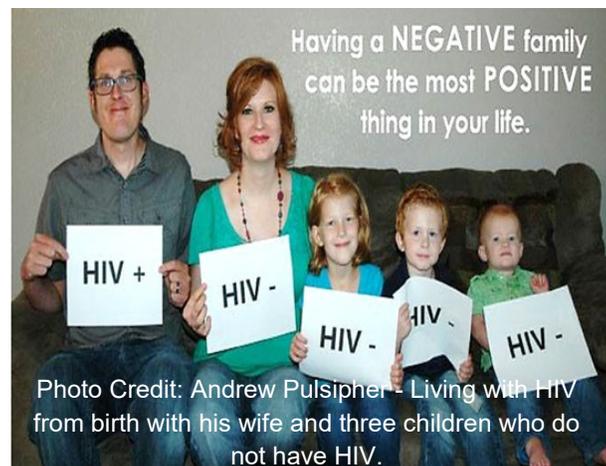
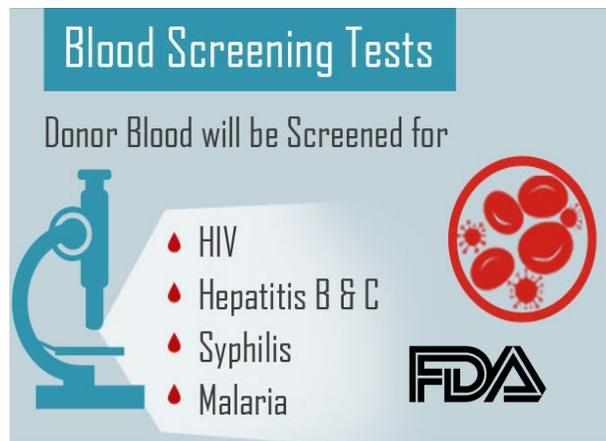
- **Removes** stigmatizing and outdated HIV-related language and adds person first language.
- **Removes** unjust penalties for people with HIV who attempt to donate blood products; the FDA policy to destroy blood products that test positive for HIV remains.
- **Removes** unjust penalties for people with HIV who use semen for artificial insemination so they can access safe conception fertility medical practices.

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Senate Sponsors: Sen. Vaneta Becker, Sen. Susan Glick, Sen. Michael Crider, Sen. Jean Breaux, Sen. Shelli Yoder, Sen. J.D. Ford.

## FREQUENTLY ASKED QUESTIONS

- **How will this bill improve public health in Indiana?** This bill promotes public health efforts to end the Indiana HIV epidemic by aligning laws with current HIV science, reducing HIV-related stigma and reducing the fear of taking an HIV test. In fact, HB1340 aligns with the Indiana Department of Health (IDOH) plan to end the HIV epidemic. The state plan calls for modernizing Indiana's HIV criminal laws to reflect new CDC guidance and scientific truths that have become clear since these laws were enacted.<sup>1</sup>
- **How will this bill impact the safety of the blood supply?** The blood supply will remain safe. There is no added public health benefit to punishment in the rare event that a person with HIV attempts to donate. This is because by the time a person learns they have HIV, FDA screening for all donated blood, which screens using a questionnaire and tests for several infectious agents, will also detect HIV and screen out the donation; the person is then added to a national database of unsuitable donors.<sup>2</sup> This bill treats people with HIV like other people with diseases such as Hepatitis B and C, who are similarly screened but do not face penalties and instead are referred for further testing and care services, which is in the interest of public health.
- **How will this bill improve HIV reproductive care?** This bill removes legal barriers to using FDA and CDC endorsed safe conception fertility care practices under the guidance of medical professionals.<sup>3</sup>
- **Who supports this bill?** Numerous public health experts, medical and support services providers, and HIV-advocates support this bill, including, the American Association of Nurses in AIDS Care, the American Academy of HIV Medicine, the HIV Modernization Movement-IN, the Damien Center, the Indiana Primary Health Care Association and the Indiana Minority Health Coalition.



<sup>1</sup> Indiana Department of Health *Zero Is Possible Indiana 2021-30* (Weblink forthcoming)

<sup>2</sup> <https://www.fda.gov/vaccines-blood-biologics/safety-availability-biologics/keeping-blood-transfusions-safe-fdas-multi-layered-protections-donated-blood> & <https://www.fda.gov/vaccines-blood-biologics/blood-blood-products>

<sup>3</sup> <https://www.cdc.gov/mmwr/volumes/66/wr/mm6621a2.htm>