



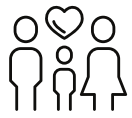


## WHAT DOES THIS BILL DO?

**Removes** sentence enhancements and criminal offenses that cannot transmit HIV to reflect current advances in HIV science.

**Ensures** acts against public safety officers involving blood that can transmit HIV will still be punished.

**Advances** public health efforts to reduce HIV stigma, misinformation, and fear of prosecution as a barrier to testing and care, thereby moving us closer to ending the Indiana HIV epidemic.

What Changes?	What Stays the Same?
<p><b>35-42-2-1 (1995) &amp; 35-45-16-2 (2002)</b>  <b>Removes</b> certain sentence enhancements based on HIV status under the battery and malicious mischief by body fluid/waste law that pose <b>NO risk</b> of HIV transmission.</p>	<ul style="list-style-type: none"> <li>Those who <b>violate</b> the body fluid laws will still be punished, but treated the same as others under the law.</li> <li>One <b>exception</b> is if the act involves 'public safety officers' when the fluid is blood, then the HIV enhancement remains.</li> </ul> 
<p><b>35-45-21-1 (1988)</b>  <b>Repeals</b> offenses concerning the donation, sale, or transfer of blood products that pose <b>NO risk</b> of HIV transmission.</p>	<ul style="list-style-type: none"> <li>Donated blood is still <b>screened</b> for HIV, and the FDA policy to <b>destroy</b> products that test positive remains in place.</li> <li>State law still requires <b>reporting</b> donors who test HIV positive to IDOH; linkage to care &amp; disease intervention policies related to reporting remain.</li> </ul> 
<p><b>35-45-21-1 (1988) &amp; 16-41-14-17 (1989)</b>  <b>Repeals</b> offenses concerning the donation, sale, or transfer of semen for artificial insemination in fertility care, that pose <b>NO risk</b> of HIV transmission.</p>	<ul style="list-style-type: none"> <li>All donations are still <b>screened</b> for HIV. Unless used according to safer conception practices endorsed by the CDC, any donations that test positive are <b>destroyed</b>.</li> <li>State law still requires <b>reporting</b> donors who test HIV positive to IDOH; linkage to care &amp; disease intervention policies related to reporting remain.</li> </ul> 

## WHO SUPPORTS HIV LAW MODERNIZATION?

- **IPAC:** Indiana Prosecuting Attorneys Association
- **PDC:** Indiana Public Defender Council
- **ISMA:** Indiana State Medical Association
- **IPHCA:** Indiana Primary Health Care Association
- **IMHC:** Indiana Minority Health Coalition
- **HMM:** HIV Modernization Movement-Indiana

Scan for Comments From:



American Red Cross  
Indiana Region



INDIANA  
**DISABILITY RIGHTS**  
Equality Through Advocacy

2022 Indiana General Assembly **Interim Study Committee on HIV Criminal Law** *recommended modernizing* the law to reflect advances in HIV science since law enactment.

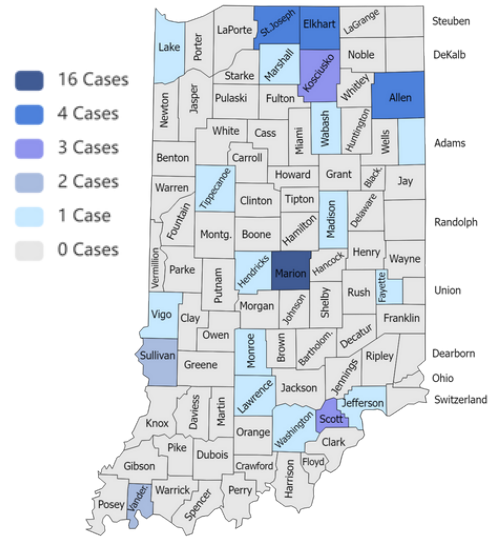


# Are these laws being used?

**Yes! Analyses for Cases Between: 2015-2022\***

HIV Criminal Codes Affected in HB1094	PLHIV Charged	Convictions
35-42-2-1 Battery body fluid/waste	33	15
35-45-21-1 Donate, sell, transfer blood products	6	5
35-45-16-2 Malicious mischief body fluid/waste	4	2
16-41-14-17 Donate, sell, transfer semen for A.I.*	0	N/A
Subsections for HIV Transmission in these codes.	0	N/A

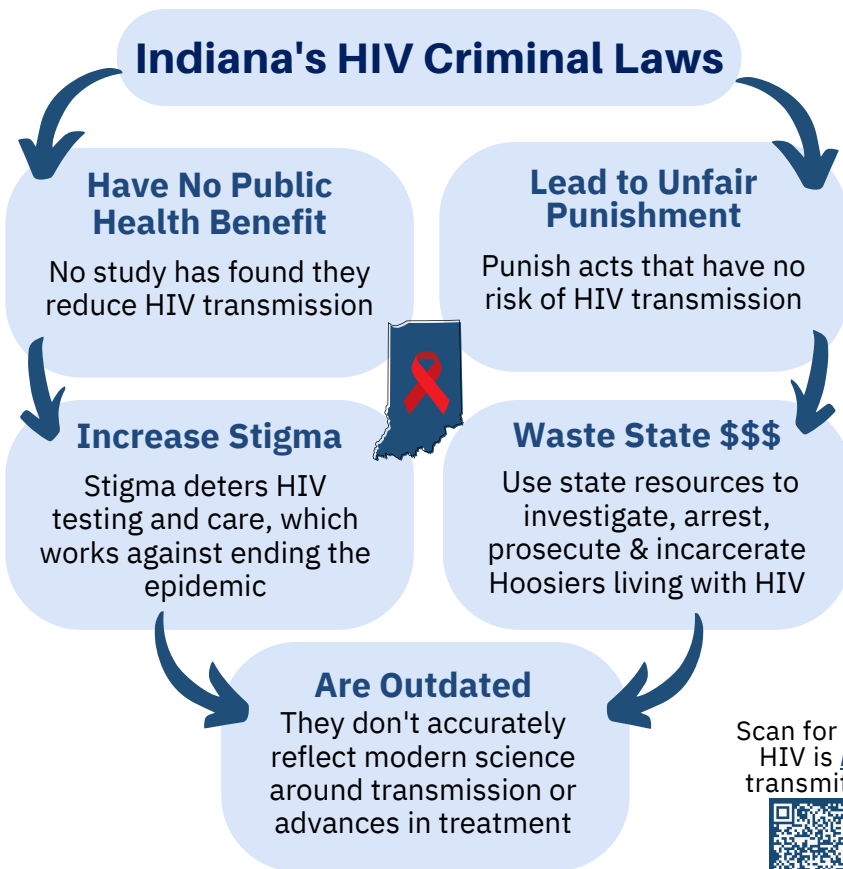
**Race** 60% White, 38% Black, 2% Other | **Sex** 86% Men, 14% Women | **Arrest Age** 18-58 yrs



Cases were in **20** of **92** Indiana counties. **29%** of cases were filed in Marion County.

A person **must know** they are HIV+ to be charged with these crimes. Fear of prosecution can **discourage** HIV testing, which **increases** HIV transmission. **HB1094 modernizes** these laws to **reduce** this barrier to HIV testing.

After more than 40 years of HIV research and significant biomedical advancements to treat and prevent HIV, **we now know that ...**



**These laws need to be modernized!**

Scan for ways HIV is **Not** transmitted.



## Hoosiers Living with HIV in 2022

**13,618** people  
**87%** know their status  
**75%** retained to care  
**67%** undetectable U=U



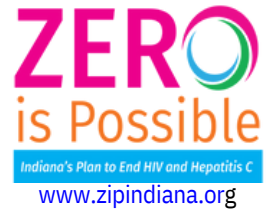
## Key research findings:

- Most cases involve **NO** risk of transmission. E.g., **94%** of battery cases were for acts that **don't transmit** HIV, such as spitting.
- The few donation cases occurred **only** at **plasma** centers & were **destroyed**.
- These convictions **waste** Indiana tax dollars and resources as they have **zero** public health benefits.

# 2024 Indiana HB 1094 Frequently Asked Questions

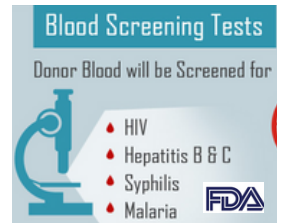
- **How will HB1094 improve public health in Indiana?**

It will help move us closer *to ending the HIV epidemic* by modernizing these laws to reflect advances in HIV science since law enactment and eliminate HIV stigma in our laws which can pose a barrier to engagement in testing and care.



- **How will this bill impact the safety of the blood supply?**

*It will remain safe;* no one has acquired HIV from blood products in decades. By the time a person learns they have HIV, FDA screening will detect HIV and destroy the donation. This bill treats people with HIV like those with Hepatitis B & C, who are also screened but do not face penalties and, instead, are referred to treatment services.



- **Will anyone who intentionally tries to transmit HIV be punished?**

*Yes.* Indiana has body injury laws under which a person could be charged for attempts to harm when there is a substantial risk of transmission.

- **What biomedical advances have occurred since law enactment?**

HIV is a highly manageable chronic condition with *treatment* and we have numerous ways to *prevent* HIV.

- A person with HIV, on treatment, can have a normal life expectancy.
- A person on HIV treatment and virally suppressed cannot transmit HIV sexually; Undetectable=Untransmittable (U=U).
- People who don't have HIV can take certain medications -- called PrEP -- to prevent HIV.
- Safe conception medical practices are regulated by the FDA and enable people with HIV who may need fertility care to safely conceive babies.
- People living with HIV can donate organs to other people living with HIV.



- **What does the research show?**

Numerous studies have found either (1) *no effect* of the laws on behavior or (2) *work against* effective public health measures, (3) Most Americans *support* modernization.

Learn more here:

- 2023 CDC HIV Criminal Laws & Ending the US HIV Epidemic. [Click here](#) or Scan QRC.
- 2023 Elizabeth Taylor AIDS Foundation National Poll on HIV Modernization. [Click here](#).
- 2022 A global review of the history and harms of HIV criminalization. [Click here](#).



- **Are other states modernizing their laws?**

*YES!* Map Key:

- 17 never had any HIV criminal laws.
- 13 have modernized some, or all, of their HIV criminal laws.
- 20 have not modernized any of their HIV criminal laws.
- 14 of the 20 have ongoing modernization efforts.

