

2025 HIV Modernization House Bill 1355




Scan for the bill.



What would the bill do?

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

Advance public health efforts to **reduce** HIV stigma, misinformation, and fear of prosecution as a barrier to testing and care. Therefore this bill helps optimize **wellness** and HIV **prevention** efforts, and moves us closer to **ending** the Indiana HIV epidemic.

What Changes? IC# (Year Enacted)	What Stays the Same?
35-42-2-1 (1995) & 35-45-16-2 (2002) Removes penalty enhancements based on HIV status under the battery and malicious mischief by body fluid/waste law that pose NO risk of HIV transmission.	<ul style="list-style-type: none">Those who violate the body fluid/waste laws will still be punished, but treated the same as others under the law.If the victim is a PSO (public safety official), violators will still be charged with a felony. 
35-45-21-1 (1988) Repeals offenses concerning the donation, sale, or transfer of blood products that pose NO risk of HIV transmission.	<ul style="list-style-type: none">Donated blood is screened for HIV. FDA policy to destroy donations that test + remains in place to ensure blood product safety.State law requires reporting donors who test HIV+ to IDOH; linkage to care & disease intervention policies remain. 
35-45-21-1 (1988) & 16-41-14-17 (1989)* Repeals offenses concerning the donation, sale, or transfer of semen for artificial insemination in fertility care, that pose NO risk of HIV transmission.	<ul style="list-style-type: none">All donations are screened for HIV. Unless using CDC endorsed safer conception practices, any donations that test + are destroyed.State law requires reporting donors who test HIV+ to IDOH; linkage to care & disease intervention policies remain. 

*IC 16-41-14-17 also contains penalty and content discrepancies in code that can be resolved by removing the section.

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 Study Committee Exhibits



American Red Cross
Indiana Region



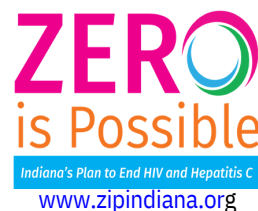
2022 Indiana General Assembly **Interim Study Committee on HIV Criminal Law** **recommended modernizing** the law to reflect advances in HIV science since law enactment.



2025 HIV Modernization House Bill 1355 -- Frequently Asked Questions

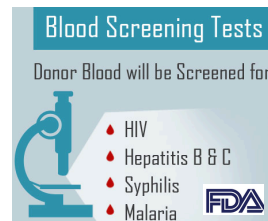
- **How will this bill improve public health in Indiana?**

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 HIV prevention and optimizing care.



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

It will remain safe; no one has acquired HIV from blood products in decades. A person must know they are HIV positive to be charged. If a person knows they are HIV positive, FDA screening will detect HIV and the donation will be destroyed. 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 bodily 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 and PEP -- that are proven to almost eliminate the risk of HIV transmission.
- 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

- 2023 CDC HIV Criminal Laws & Ending the US HIV Epidemic. [Click here](#) or Scan QRC.
- 2023 A global review of the history and harms of HIV criminalization. [Click here](#).
- 2024 Indiana research shows outdated HIV criminal laws. [Click here](#).

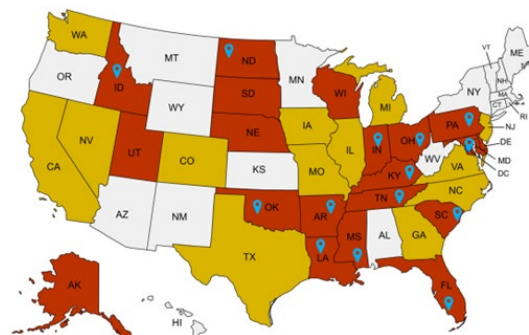


Scan for research reports:
available cases 2001-2023

- **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.



Indiana HIV Criminal Law Research - 5 Year Snap Shot

Court Cases & Outcomes Between: 2019-2023*

HIV Criminal Enhancement and Donation Codes	PLHIV Cases	Convictions
35-42-2-1 Battery body fluid/waste	22	12
35-45-16-2 Malicious mischief body fluid/waste	2	0
35-45-21-1 Donate, sell, transfer blood products	0	0
16-41-14-17 Donate, sell, transfer semen artificial insemination	0	N/A
Subsections for HIV Transmission in these codes.	0	N/A

Hoosiers Living with HIV in 2024

14,749 people

88% know their status

76% retained to care

68% undetectable U=U



Scan for research reports:
available cases 2001-2023



Key Findings

- Laws **enacted decades ago** (1988-2002), prior to effective HIV treatment and prevention.
- Laws punish, or increase penalties for, acts which **DON'T** transmit HIV.
- NO** allegations of transmission. **NO** charges under the transmission portion of the codes.
- NO** cases under the blood donation laws in the last 5 years | **NO** cases ever for artificial insemination.
 - Prior yrs 2001-18 had about 1 case per yr for attempts to donate plasma. Plasma supply has been **SAFE** for decades.
- Between 2012 and 2023 there were **41 cases** involving the **battery by body fluid/waste** HIV enhancement charge.
 - Nearly ALL** (82%) involved saliva (e.g., spitting)/3% involved urine; both **DON'T** transmit HIV.
 - The few cases involving blood were for acts (e.g., smearing, flinging) that **DON'T** transmit HIV.
 - Despite **NO** transmission risk, battery HIV cases increased over time -- about 2.7 pre-2019, vs 4.4 post 2019, per year.
 - About **half** of the cases involved people in **acute mental distress** and/or intoxicated (i.e., impaired mind).
 - About a quarter of the cases occurred in **medical settings**; Relatively few (only 6) occurred in **jails/prisons**.

Indiana's HIV Criminal Laws

Have No Public Health Benefit

No study has found they prevent HIV transmission

Lead to Unfair Punishment

Punish acts that have no risk of HIV transmission

Increase Stigma

Stigma deters HIV testing and care, making it hard to end the epidemic

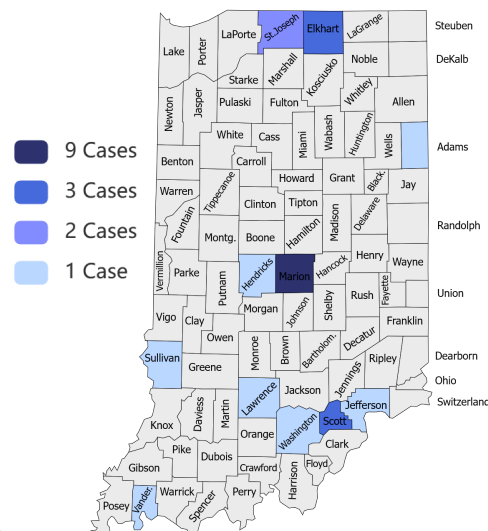
Waste State \$\$\$

Use state criminal justice resources for HIV laws with no public health benefits

Are Outdated

They don't reflect modern HIV transmission and treatment science

Where Cases Occurred 2019-2023



A person **must know** they are HIV+ to be charged. Fear of prosecution can **discourage** HIV testing, which **increases** HIV transmission.