

Current HIV Science Advances Since Law Enactment

- A person with HIV, on treatment, **CAN** live as long as a person who does not have HIV.
- HIV transmission can be **PREVENTED** with testing, medication and condom use.
- HIV is **NOT** transmitted through any kind of contact with saliva, urine, feces; or fluid that can transmit HIV (e.g., blood, semen) outside the body (e.g., placing, throwing, spitting).
- There is negligible to **NO** risk of transmitting HIV through biting that involves broken skin and blood from someone with HIV.
- A person on HIV treatment and virally suppressed **CANNOT** transmit HIV sexually. This is called: Undetectable=Untransmittable.
- Probability of transmitting HIV from the most "risky" sex act is LESS than 2%. This small risk is eliminated with effective HIV treatment.
- People living with HIV **CAN** donate organs to other people living with HIV.
- The FDA **DESTROYS** all blood that test positive for HIV and ensures blood supply safety.
- Consistent **USE** of medications by the HIV-negative person **prevents** HIV transmission. This is called PrEP - Pre Exposure Prophylaxis.
- People who do **NOT** know their HIV status are more likely to transmit HIV than people who know their HIV status.
- Some people have even been **CURED** of HIV.

Learn more about HIV science today at
www.cdc.gov/std/hiv/

JOIN US! Change the Law, End the Stigma

Rationale: Deeply outdated and lacking in scientific merit, these laws lead to unfair prosecutions, stigmatize Hoosiers living with HIV and are counterproductive to ending the Indiana HIV epidemic.

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Numerous leading public health, medical, and legal experts endorse modernizing HIV-based criminal laws, including the Centers for Disease Control and Prevention (CDC), the American Medical Association (AMA), and the US Department of Justice.



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HIV Modernization Movement
INDIANA

Mission: HMM-Indiana Seeks to modernize Indiana's HIV criminal and related public health laws.



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What is HIV Criminalization?

It is the **inappropriate** arrest or prosecution of people living with HIV for alleged non-disclosure of their HIV status, potential or perceived HIV exposure, or non-intentional HIV transmission.

Many cases involve acts that pose **zero** risk of HIV transmission, including spitting or sex using proven prevention methods.

HIV criminal laws...

1. **DON'T** work as intended; not a single study has found they reduce HIV transmission.
2. **DON'T** support public health as they create a disincentive to HIV testing, foster mistrust of health providers, and work against successful prevention programs.
3. **DON'T** align with current science. For example, they incorrectly suggest HIV is easily transmitted, punish acts that don't transmit HIV, and don't take into account effective HIV prevention like an undetectable viral load.
4. **DON'T** decrease stigma or discrimination, thus worsening the existing stigma of HIV, which experts agree is one of the biggest obstacles to ending the HIV epidemic.
5. **DON'T** make sense for our justice system and waste state resources (\$\$\$) as they subject people with HIV to potential prosecution and incarceration with no public health benefit.

Which Indiana HIV Laws Need Modernization?

IC 16-41-7 Communicable disease: duty or authority to inform or notify 1988
IC 35-45-21-3 Failure of individuals with HIV/HBV to inform persons at risk 1998

- Requires people who know they have HIV/HBV (Hepatitis B Virus) to disclose their disease status to people with whom they will engage, or have engaged, in sexual or needle sharing activities that, according to the CDC, can transmit HIV/HBV. Violations can result in felonies.



IC 16-41-14-17 Donation, sale or transfer of HIV infected semen: penalties 1989
IC 35-45-21-1 Transferring contaminated body fluids 1988

- These make it a felony for people living with HIV to donate, sell, or transfer their blood, plasma, or semen for artificial insemination despite the fact that the FDA screens and protects the blood supply, and semen use, from infectious agents.



IC 35-42-2-1(f)(h) Battery by body fluid with HIV/Viral Hepatitis/TB 1995
IC 35-45-16-2(d)(f) Malicious mischief by body fluid: HIV/Viral Hepatitis/TB 2002

- These make it a heightened felony (sentence enhancement) for people living with HIV, TB (Tuberculosis) and Viral Hepatitis to expose others to any body fluid (e.g., blood, spit, tears, urine), including those that do not transmit HIV, in a rude, angry or malicious manner.



The Indiana Legal Codes are here: www.hivmodernizationmovement.org/laws.

Some codes in need of reform also apply to people living with Tuberculosis or Viral Hepatitis.

IT'S TIME TO MODERNIZE Indiana's Laws that Work Against Public Health

We must ensure that any prosecution based on HIV or Viral Hepatitis exposure requires:

- Proof that the defendant (the person charged) **INTENDED** to do harm;
- Proof that the defendant engaged in conduct scientifically shown to **RESULT** in that harm;
- Proof that the conduct of the accused in fact **RESULTED** in that **INTENDED** harm;
- Punishment that is **PROPORTIONATE** to the actual harm the defendant caused.

Indiana laws should reflect the current science of HIV transmission and treatment.

The burden of HIV falls disproportionately on people of color, sexual minorities, and people who inject drugs; researchers report that HIV criminalization also disproportionately impacts these groups, thus exacerbating HIV health inequities, making it more difficult to end the HIV epidemic.