



+Advocacy Training Spring 2023 (Day One)

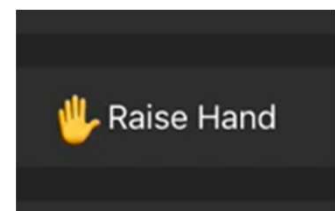
Learn more and join our email listserv here:
<http://hivmodernizationmovement.org/> <https://www.facebook.com/hmmindiana>

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First some Housekeeping

- During the training, **everyone will be muted** unless its Q&A time.
- **Use the chat box** to comment and ask questions.
- **Raise your hand**, using the Zoom reaction feature if you would like to ask a question.
- This **meeting is being recorded** but will not be shared. Powerpoints will be emailed to you.
- Daily **agenda** is in your binders.



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First some Housekeeping

Payment: you will be paid at the mid way and end of Training. Your stipend will be based on the amount of time you attended each day of training.

Review the **community training guidelines** in your binders.

- ❖ **Commitment.** Attend all sessions in the HMM +Advocate Training Program.
- ❖ **Communicate** with Dr. Carrie in the event of an emergency if you can't attend a session.
- ❖ **Be present** -- keep your camera on, join sessions on time, don't do other things during session.
- ❖ **Be respectful** of your fellow participants and trainers and the diversity we bring.
- ❖ **Respect personal confidentiality.** While you are strongly encouraged to share what you learn from the training, we do ask that you agree to respect personal confidentiality and not share personal details anyone may share during the training.

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Welcome!

Our Mission: HMM-Indiana seeks to modernize Indiana's HIV criminal and related public health laws. Deeply outdated and lacking in scientific merit, these laws lead to unfair prosecutions, stigmatize "Hoosiers" living with HIV, and are counterproductive to ending the HIV epidemic in Indiana.

Our Brochure (Also in Spanish): <http://hivmodernizationmovement.org/brochures>

Values: We value MIPA -- the Meaningful involvement of people living with HIV: This means that we involve PLHIV at the center of leadership and decision-making efforts. We value PLHIV as the key subject matter experts on HIV criminalization. ** We also value the critical role of allies to successfully modernize Indiana HIV criminal laws. We cannot do this alone.

MIPA Fact Sheet: <https://tinyurl.com/MIPAHIV>

Training Purpose: The purpose of this training is to strengthen advocacy skills among people living with HIV to help end HIV criminalization.



**HMM Founding
Members 2016**

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Introductions

- **Introductions**

- (1) Name / Pronouns
- (2) Any affiliations
- (3) Where you live in the state,
- (4) Something interesting about yourself

I'll go first and then I will go in the order of who is on my screen.



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ZOOM Pre-Training ANONYMOUS Survey

**Training Readiness
HIV Criminal Law Attitudes**



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SO ... DO YOU HAVE ANY
QUESTIONS FOR ME?



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

Change the Law, End the Stigma

Ending the Criminalization of People Living with HIV

Carrie Foote, Ph.D., She/her
Chair, HIV Modernization Movement Indiana
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www.hivmodernizationmovement.org

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Session Objectives

Understand:

1. Advances in HIV science since law enactment and why that matters for this topic.
2. What is HIV criminalization?
3. Why is HIV criminalization a problem?
4. What can we do to end HIV criminalization?

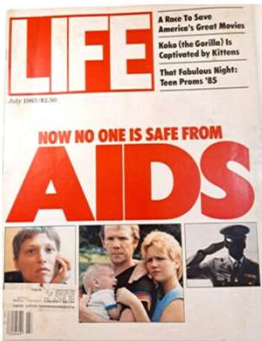
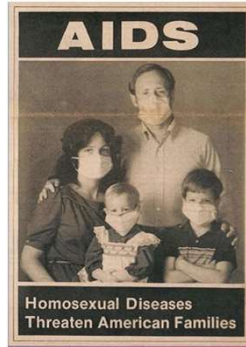


Objective 1: Advances HIV Science | early years | law enactment



Indiana's first HIV criminal Law Enacted
1988 Ind. Legis. Serv. 123-1988 (West)

WESTS
INDIANA
LEGISLATIVE SERVICE
1988 ACTS
105th General Assembly
P.L. 123-1988
S.E.A.No. 9
AIDS



Lots of biomedical advances since then...

Let's take a quiz on our HIV Knowledge



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How is HIV transmitted?

HIV **can be** transmitted by:

- Blood and blood products
 - Transfusion and plasma derived treatment*
 - Injection drug use
- Perinatal transmission (mother-to-child)
 - During pregnancy or Breastfeeding
- Penetrative sexual contact

*FDA safety measures implemented by mid 90s.

HIV **cannot be** transmitted by:

- | | |
|------------|----------------------------------|
| • Saliva | • Ingesting |
| • Urine | • Scratching |
| • Vomit | • Mosquitoes |
| • Sweat | • Kissing |
| • Tears | • Non-penetrative sexual contact |
| • Coughing | |
| • Biting | |

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Per-act Risk of HIV Acquisition

No HIV or PrEP Medications or Condoms

Exposure route	Risk per 10,000 exposures to an <u>infected source</u>	Percentage
Parenteral		
Needle-sharing IDU	63	0.63%
Vertical		
Mother-to-child	2255	22.55%
Sexual		
Receptive anal intercourse	138	1.38%
Insertive anal intercourse	11	0.11%
Vaginal (risk M → F)	8	0.08%
Vaginal (risk F → M)	4	0.04%
Oral sex	“Low” so low that it can’t be quantified	--

HIV is NOT easily transmitted even without prevention measures.

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Bio-medical Advances Last Three Decades

PrEP
ONE PILL, ONCE A DAY. Protect against HIV.

HIV AIDS- A Chronic Disease

HAVING A NEGATIVE FAMILY CAN BE THE MOST POSITIVE THING IN YOUR LIFE.

“HIV doesn’t stop me. My daily medication keeps me healthy and protects my partner. I still have the life and the love I want.”

POSITIVELY NEGATIVE
Love, Pregnancy, and Science’s Surprising Victory Over HIV

organ donor

TESTING DONATED BLOOD
U.S. REGULATIONS REQUIRE THAT EACH UNIT OF DONATED BLOOD IS TESTED FOR INFECTIOUS AGENTS TO ENSURE ITS SAFETY.

Cabotegravir & Rilpivirine
long-acting injectable treatment for HIV patients

CURED
~~THE PEOPLE WHO DEFEATED HIV~~
“The fascinating cases of the people who have effectively vanquished HIV ...”

HIV-positive to HIV-positive organ donation
1,000 LIVES COULD BE SAVED EVERY YEAR
NEWS

U=U Undetectable Equals Untransmittable

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Objective 2... despite the advances in science

What is HIV Criminalization?



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What Is HIV Criminalization?

- ***No one should be punished because they have a health condition.*** But many areas of the world have laws that unfairly punish people living with HIV (PLWH). This is called **HIV criminalization**.
- **HIV Criminalization** is the inappropriate arrest or prosecution of PLWH 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.
- It can occur under **HIV-specific laws** that apply only to PLWH, or under **general criminal laws** where charges or punishment are initiated or heightened solely because of the person's HIV status.



HIV Criminalization creates a **viral underclass** with different laws or enhanced punishments based on HIV+ status

*About nine states, including Indiana, Mississippi, Alabama, and Ohio, also criminalize people living with viral hepatitis.

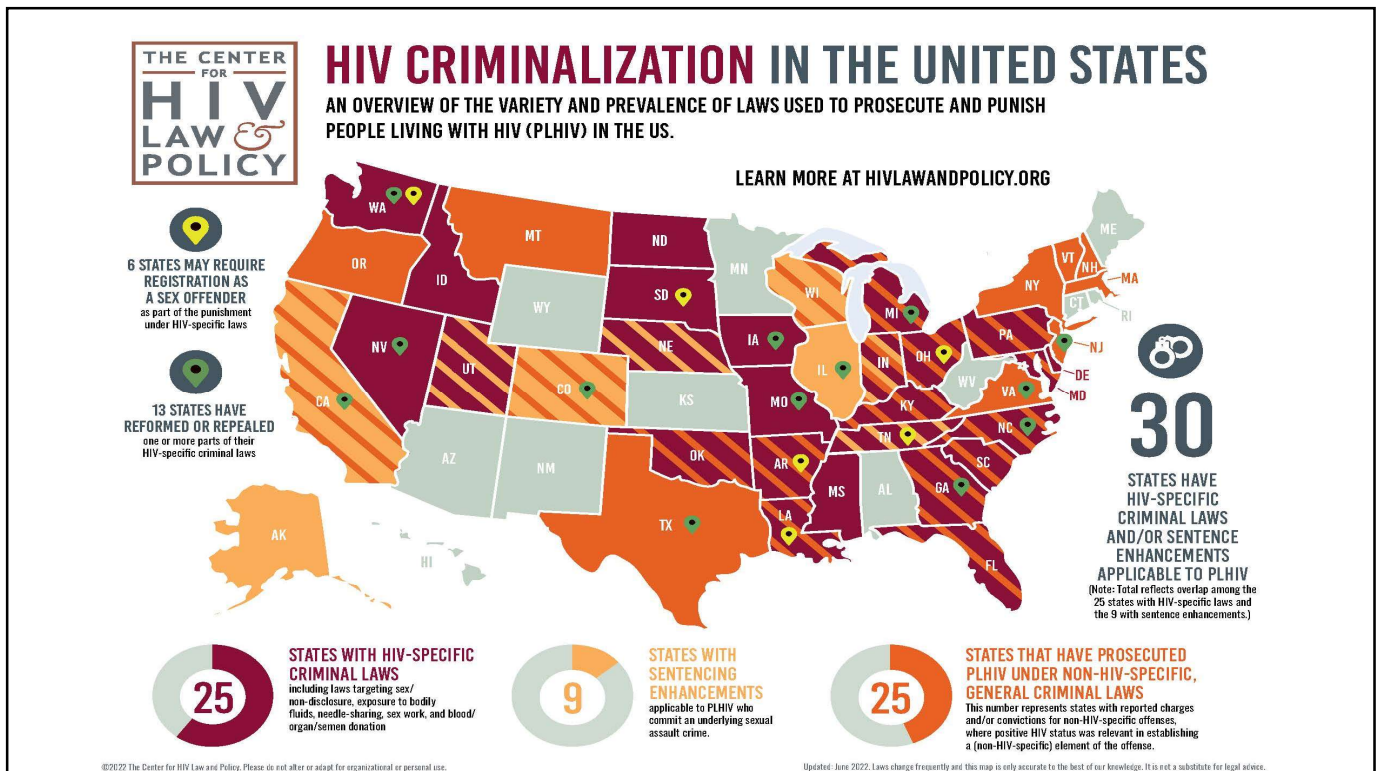
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Indiana HIV Criminal Law Knowledge



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Indiana Laws that Criminalize PLHIV

- **IC 16-41-7-1 (1988) / IC 35-45-21-3 (1998):**
 HIV/HBV “People living with communicable disease”
 “*duty to inform*” “Requires people living with HIV or HBV
 to ‘*warn*’ sexual and needle sharing partners of their
 status.”**
- **IC 16-41-14-17 (1989) / IC 35-45-21-1 (1988)**
 Donation, sale, or transfer of semen for artificial insemination
 or blood/plasma when HIV+
- **IC 35-42-2-1 (1995) / IC 35-45-16 (2002)**
 Battery/Malicious Mischief by bodily fluid when fluid contains
 HIV/TB/Hepatitis (felony sentence enhancement)



Mix of **Public Health (IC 16)** and **Criminal Codes (IC 35)**;
 **HEA1340 modernized the language from “*warn*” to “*inform*” in 2020.

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Objective 3

Why is HIV Criminalization a Problem?



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What's problematic with these laws? HIV criminal laws...

1. **DON'T** work as intended

- Not a single study has found they increase disclosure or reduce HIV transmission; there is no public health benefit.*

Prosecuting HIV: Take the Test -- and Risk Arrest?

Sean Strub

PA Positively Aware

June 1, 2012



2. **DO** work against public health

- Create a disincentive to HIV testing.
- Foster mistrust of health providers.

3. **DON'T** align with current science

- Reinforce myths/misunderstanding about the risks and routes of transmission.
- Punish behaviors that don't transmit HIV.

*They may reduce disclosure; for example, if you land in jail after telling someone your status, you may be disinclined to share that information, especially on the second (or later) encounter).

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What's problematic with these laws? HIV criminal laws...

- ### 4. **DO** increase stigma and 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 as they:

- Do not consider whether someone intended to transmit HIV, whether any harm was possible or occurred, and lead to disproportionate punishments (e.g., felonies)
- Are costly (\$) to the state as they subject people with HIV to potential prosecution and incarceration with no public health benefit.

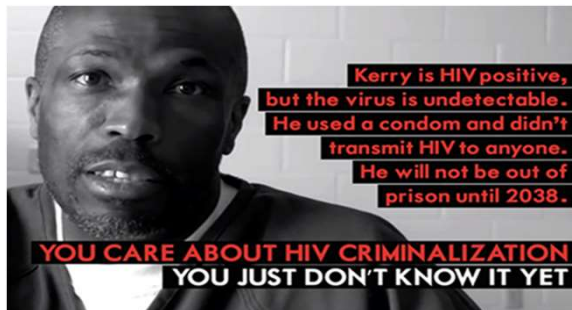
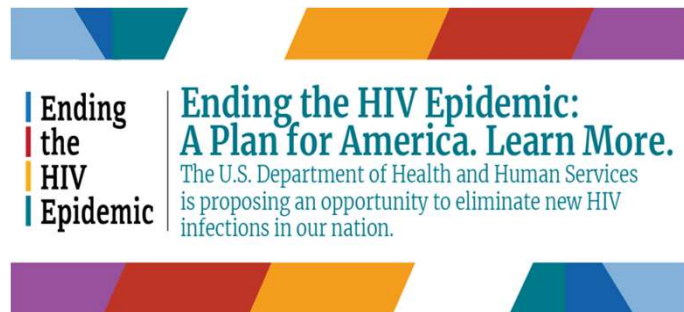


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HIV Criminalization worsens existing health disparities

The burden of HIV falls disproportionately on **black people, 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**.

Ending the HIV Epidemic

Ending the HIV Epidemic: A Plan for America. Learn More.
The U.S. Department of Health and Human Services is proposing an opportunity to eliminate new HIV infections in our nation.

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Objective 4

What are some ways you can end HIV criminalization?



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Solutions

1. Address HIV stigma (e.g., education, putting a face to the disease)
2. Changing HIV related public health policies associated with the laws
3. Prosecutorial Discretion (educate prosecutors / defense lawyers)
4. Legislative Solutions:

Repeal: eliminate HIV specific criminal laws and sentence enhancements.

Modernize: reform laws to (1) reflect the **current science** of HIV transmission, treatment and HIV as a chronic manageable condition, and (2) narrow them to situations involving an **intent to transmit**, a **significant risk of transmission** and **proportional punishments** (i.e., the crime of intentional disease transmission).

Decrease penalties: e.g., no felonies



*Sources: US Dept of Justice. Best practices for reform http://media.wix.com/ugd/b5ed4b_cfec5f66b84a4fd3b20ae5ed6020a472.pdf CDC HIV criminalization and ending the HIV epidemic. <https://www.cdc.gov/hiv/policies/law/criminalization-ehe.html>; Guiding Reform: <http://www.hivlawandpolicy.org/resources/guiding-principles-eliminating-disease-specific-criminal-laws-positive-justice-project>

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Lets break for lunch.
Please Return by 1pm ET



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Survivor Stories



Robert Suttle (he/him)



Monique D. Howell (she/her)

Q&A with Our legislative Champion

3rd Reading | HB 1340 | Author: Clere
Human Immunodeficiency virus

Bill Passed

Yea: **89** Nay: **2**

HB 1340

Rep. Ed Clere
(R) New Albany • House District 72





CLOSING AND TEMPERATURE CHECK



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Next Training Session
Saturday March 25, 10am ET/9am CT

+Advocacy Training | Spring 2023

Learn more and join our email listserv here:
<http://hivmodernizationmovement.org/> <https://www.facebook.com/hmmindiana>

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