



## 2013 REPEAL HIV DISCRIMINATION ACT (H.R. 1843 / S. 1790)

The REPEAL (“Repeal Existing Policies that Encourage and Allow Legal”) HIV Discrimination Act is bipartisan legislation that addresses the serious problem of discrimination in the use of criminal and civil commitment laws against those who test positive for HIV. This bill provides both the rationale and the routes for modernizing current criminal law approaches that target people living with HIV for felony charges and severe punishments for behavior that is otherwise legal (such as consensual sex between adults) or that poses no measurable risk of HIV transmission. The REPEAL Act is in line with the Presidential Advisory Council’s resolution on HIV decriminalization.

### *Why Criminalization of HIV is a Problem*

- 32 states and 2 U.S. territories have criminal statutes based on perceived exposure to HIV, and prosecutions for alleged exposure to HIV have occurred in at least 39 states.
- Harsh criminal sentences have been imposed on many people living with HIV, frequently in the absence of HIV transmission or even a substantial risk that it could occur.
- These laws and prosecutions are based on long-outdated beliefs about the routes and risks of HIV transmission and about HIV as a “death sentence” when it is in fact a chronic, manageable disease.
- As a result of this widespread ignorance about HIV, the blood, semen, and saliva of people living with HIV have been referred to as “deadly weapons,” and individuals have been charged under aggravated assault, attempted murder, and even bioterrorism laws.
- Most people diagnosed with HIV behave responsibly to prevent further transmission, and behavior with the intent to transmit HIV is extremely rare.
- In most states, individuals with no intent to transmit HIV, including those who use protection to prevent transmission, are punished as harshly as individuals who seriously harm or kill another person through vehicular homicide or intentional physical assault.
- Laws that treat conduct such as spitting and consensual, protected sex as felonies because a defendant has HIV are at direct odds with U.S. public health goals and HIV prevention strategies and programs. Since usually only people who have been tested with HIV are arrested and prosecuted, these laws may actually discourage HIV testing and disclosure, and undermine standards for provision of primary health care.
- Laws that place an additional burden on HIV-positive individuals because of their HIV status, that treat a positive HIV test as evidence of a crime, and that single out people with HIV for severe punishment in the absence of actual

wrong-doing are contrary to our nation's values of fair treatment under the law, including equitable treatment for people living with HIV and other disabilities.

***What the REPEAL HIV Discrimination Act Does to Solve the Problem***

The bill requires the Attorney General, the Secretary of Health and Human Services, and the Secretary of Defense to:

- Work with state stakeholders (i.e., state attorneys general, state public health officials, people living with HIV, legal advocacy and service organizations) to review laws, policies and cases that impose criminal liability on people living with HIV;
- Develop a set of best practices for the treatment of HIV in criminal and civil commitment cases;
- Issue guidance to states based on those best practices;
- Monitor whether/how states change policies consistent with that guidance.

**The Positive Justice Project (PJP)** is a national coalition of organizations and individuals, including people living with or at greatest risk of HIV, those who have been arrested or prosecuted, medical and public health professionals, community organizers, advocates, attorneys, law enforcement, sex workers, social scientists and others working to end HIV criminalization in the United States. We engage in federal and state policy advocacy, resource creation, support of local advocates and attorneys working on HIV criminal cases, and educating, organizing and mobilizing communities and policy makers in the United States. To contact the PJP, please e-mail Rashida Richardson at: [programassociate@hivlawandpolicy.org](mailto:programassociate@hivlawandpolicy.org).

# **REPEAL HIV Discrimination Act (H.R. 1843/S. 1790)**

## **Organizational Supporters**

### **National Organizations**

- AIDS Treatment News
- Drug Policy Alliance
- Association of Nurses in AIDS Care
- The Center for HIV Law and Policy
- Center for Women Policy Studies
- AIDS Education Global Information System
- Harm Reduction Coalition
- Street Works
- Harm Reduction Sisters
- Lambda Legal
- AIDS Community Research Initiative of America
- National Advocates for Pregnant Women
- People Of Victory
- OLB Research Institute
- Hepatitis, AIDS, Research Trust
- AIDS United
- HIV Justice Network
- American Academy of HIV Medicine
- American Psychological Association
- The Well Project
- National Black Leadership Commission on AIDS, Inc.
- Community Information
- National Minority AIDS Council
- NAHEWD National Alliance for HIV Education and Workforce Develop
- National AIDS Housing Coalition
- CARES
- Until There's A Cure Foundation
- National Latino AIDS Action Network (NLAAN)
- Ryan White Medical Providers Coalition
- The AIDS Institute
- BTAN
- The Global Network of People Living with HIV, North America (GNP)
- National Women and AIDS Collective (NWAC)
- Consumet
- Southern Aids Coalition Inc.
- Positive Women's Network –USA
- AIDS Action Now
- Best Practices Policy Project
- American Medical Student Association
- HealthHIV
- Voice of People
- PWN-USA
- HIV PJA
- Asian & Pacific Islander American Health Forum
- HIV Medicine Association
- Salvadoran American National Network
- Positive Mind & Body Support Group Network

- Cascade AIDS Project
  - The Women's Collective
  - Sexuality Information and Education Council of the U.S (SEICUS)
  - ADAP Advocacy Association
  - Careteam
  - A Family Affair
  - HIV and the Aging
  - Black AIDS Institute
  - Sero Project
  - National Black Justice Coalition
  - National Gay and Lesbian Task Force Action Fund
  - MSMGF
  - Global Youth Coalition on HIV/AIDS
  - Positive Opportunities, Inc.
  - GBCHealth
  - International Woman's Health Coalition
  - National Council of Jewish Woman
  - National Black Leadership Commission on AIDS, Inc.
  - P-Thinks, Inc.
  - Scarlett Umbrella Southern Art Alliance
  - Transgender Law Center
  - INA Foundation
  - OutServe-SLDN
  - Presbyterian Church (U.S.A.)
  - AIDS Fondet
  - WHIC
  - The Queer Caucus of the National Lawyers Guild
  - Gay & Lesbian Advocates & Defenders
  - AAHIVMA
  - Magic Johnson Foundation
  - Global Justice Institute
  - Metropolitan Community Churches
  - AIDS Project Los Angeles
  - ACT UP San Francisco
  - Tin Pan Alley Productions, Inc.
- Colorado**
- Colorado AIDS Project
  - Beacon Center for Infectious Disease Ryan White Program
  - Rocky Mountain CARES
  - Red Ribbon Project
  - Howard Dental Center
- Delaware**
- Human Rights Campaign
- Florida**
- Okaloosa AIDS Support & Informational Services, Inc. (OASIS)
  - Rural Women's Health Project (Gainesville)
  - Dab the AIDS Bear Project (Northern Florida)
  - Positively U, Inc.
- Alabama**
- AIDS Alabama
- California**
- Christie's Place
  - Project Inform
  - AIDS Legal Referral Panel
  - Positively Speaking

- CenterLink: The community of LGBT Centers
- Miami Valley Positives for Positives

### **Georgia**

- AID Atlanta
- HIV PJA
- Georgia Equality
- Positive Impact, Inc.

### **Hawaii**

- CHOW Project

### **Idaho**

- IACHA

### **Illinois**

- Center on Halsted
- JRV MAJESTY Productions
- Test Positive Aware Network
- AIDS Foundation of Chicago

### **Indiana**

- AIDS Legal Council of Chicago
- Children's Place Association

### **Iowa**

- Community HIV/Hepatitis Advocates of Iowa Network

### **Louisiana**

- HAART

### **Maryland**

- LifeLinc of Marylands
- AIDS Action Baltimore
- Baltimore Student Harm Reduction Coalition
- Pride, Inc
- Ladies of Charity
- Equality Maryland
- PeterCares House
- STRAT at Westminster
- Moveable Feast

### **Massachusetts**

- AIDS Action Committee of MA

### **Michigan**

- HIV/AIDS Resource Center
- Wellness AIDS Services
- Black Leadership Commission on AIDS Detroit
- Christine A. Yared, Attorney

### **Minnesota**

- Minnesota AIDS Project

### **Missouri**

- POZ
- Missouri AIDS Task Force
- Saint Louis Effort for AIDS

### **New Jersey**

- New Jersey Association on Correction
- Hyacinth AIDS Foundation

### **New Mexico**

- New Mexico Consumer Advocacy Coalition

### **New Orleans**

- Belle Reve

### **New York**

- Housing Works
- Community Healthcare Network
- Gay Men's Health Crisis (GMHC)
- Thursday's Child of LI
- Latino Commission on AIDS
- Iris House

- CitiWide Harm Reduction
- Unity Fellowship of Christ NYC
- New York Harm Reduction Educators
- QUEEROCRACY
- Harlem United
- HIV Law Project
- Visual AIDS

**North Carolina**

- AIDS Action Network
- UNC Chapel Hill School of Medicine
- ACTU

**Ohio**

- Nightsweats & T-cells Co.
- Ohio AISD Coalition, A Division of AIDS Resource Center Ohio

**Pennsylvania**

- AIDS Law Project of Pennsylvania
- ACT UP Philadelphia
- Alder Health Services
- AIDSNET

- The Philadelphia Center
- AIDS Resource Alliance, Inc.
- West House, Inc.

**Puerto Rico**

- Pacientes de Sida pro Politica

**South Carolina**

- Wateree AIDS Task Force
- The ACCESS Network, Inc.
- MUSC/ low country AIDS services consumer advisory board

**Tennessee**

- Nashville CARES
- Positive East Tennesseans

**Texas**

- San Antonio AIDS Foundation
- Legacy Community Health Service

**Washington**

- Pierce County AIDS Foundation
- Lifelong AIDS Alliance
- Behavioral Health Services

**Washington, DC**

- Family and Medical Counseling Service
- AIDS Healthcare Foundation
- Marin AIDS Project

**Wisconsin**

- AIDS Resource Center of Wisconsin

**Virginia**

- Eastern Virginia AIDS Network
- Howard Dental Center