



POSITIVE WOMEN'S NETWORK
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An Open Letter on HIV Decriminalization and Solidarity

We are national HIV organizing, advocacy and legal organizations led by and accountable to people living with HIV in the United States. We write this statement in the spirit of care, transparency, and accountability. We believe that with principled solidarity, nuanced power analysis, and an unwavering commitment to the Meaningful Involvement of People Living with HIV (MIPA), we will be able to end the criminalization of HIV and other carceral approaches to health and survival.

As national organizations, we have worked together or separately with HIV decriminalization coalitions in many states over the past decade.¹ We have seen coalitions build powerful and successful HIV decriminalization movements, led by people living with HIV. We have also seen recurring issues. Coalitions have, at times, made compromises that fail to honor the principles of MIPA, expanded the overall reach of the criminal legal system, or left hyper-stigmatized groups behind, often out of political expediency or pragmatism. We recognize that people living with HIV are not a monolith. We acknowledge that coalition dynamics and policy decisions can be complicated and are dependent on state or local conditions. At the same time, the criminalization of communities most impacted by HIV is rising. In our fight for the rights, safety, and dignity of people living with HIV, we are often pitted against other community members or movement partners that are also harmed by mass surveillance, hyperpolicing, and mass incarceration. We have to have courage and name these dynamics when they arise, and then find the bravery to respond meaningfully as they are revealed. Silence is complicity.

Principled solidarity requires that we listen to and stand with movement partners, not as a matter of convenience but as a part of the long-term commitment to building trust, power, and political analysis together. When we act with principled solidarity, we are willing to leverage our own power, put something at risk, and accept political risk to ensure we are not leaving our partners behind. Nuanced power analysis requires that we ask: who is or is not at the table; who benefits or is harmed by the decision; and who benefits from our silence? MIPA requires that more than a couple people living with HIV be central to the ongoing process of creating, negotiating, amending, and implementing HIV decriminalization or modernization legislation. As described by the US People Living with HIV Caucus, MIPA must also “integrate a lens around racial, gender, class, and other axes of power and privilege to be truly ‘meaningful.’”² This means that “meaningful involvement” must intentionally include, support, and uplift perspectives from communities most impacted by HIV in the US, especially Black, Indigenous, and Latinx people, queer and trans people, sex workers, people who use drugs, people impacted by incarceration, immigrants, poor and working-class people, and so many more.

¹ States we have worked in to ensure MIPA is activated include: Arkansas, California, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Nevada, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin.

² The United States People Living with HIV Caucus, *Demanding Better: An HIV Federal Policy Agenda by People Living with HIV* (2021), <https://www.pwn-usa.org/wp-content/uploads/2021/07/Networks-Policy-Agenda-FINAL.pdf>.



Pennsylvania's SB45: A case study

We write this statement following the passage of Pennsylvania's Senate Bill 45, which was signed into law as Act No. 41 by Governor Shapiro on July 20, 2026. This bill was nearly unanimously passed by the PA Senate and House.

SB45 was ultimately an overhaul of the Pennsylvania criminal code pertaining to "prostitution."³ It transfers most "prostitution" related offenses out of the "public indecency" section and into the "human trafficking" section of the criminal code. It also reduces some criminal charges while increasing others.

SB45 achieves important, positive outcomes. SB45 removed the HIV felony sentence for sex workers living with HIV. Previously, if a person living with HIV was convicted of "prostitution," their penalty was upgraded to a felony simply because of their HIV status. It was HIV discrimination written into the Pennsylvania criminal code, and we are thrilled it was removed. SB45 also removed the "grading" for prostitution offenses (making it a flat, 3rd degree misdemeanor) and rejected an expanded definition of "prostitution." Although we wish that sex work was fully decriminalized, we support these changes because they lessen the reach of the criminal legal system and mean that sex workers and trafficking survivors *should* (an important caveat) not be subject to felony charges.

SB45 shifts prosecutorial authority and conflates sex work and trafficking. By moving most "prostitution" related offenses to the "human trafficking" section of the PA criminal code, SB 45 does two things: 1) it further conflates sex work and trafficking, something that sex work-led and survivor-led organizations have been fighting against for decades, and 2) it places prosecutions under the concurrent jurisdiction of the Office of the Attorney General and local District Attorney (DA) Offices. In more progressive DA offices, they can decline to prosecute non-violent, low-level offenses.⁴ Giving the Attorney General concurrent jurisdiction creates another pathway for prosecution, allowing the state to pursue cases even when a local prosecutor has declined to do so. The result could be increased criminalization and a weakening of local prosecutorial discretion in jurisdictions that have adopted more progressive approaches.

SB45 increases penalties for "promoters" or "patronizers," which can harm trafficking survivors or people in the sex trades. SB45 increases penalties for the people around sex workers and trafficking survivors, specifically "promoters" and "patronizers." The definition of "promoting prostitution" is broad enough to punish the people sex workers and survivors rely on to exist, for example, someone giving someone a ride, renting a room, or providing safety supplies (e.g. condoms). The bill also lacks

³ We use "prostitution" in the legislative or statutory context, referring to language in SB45 or the Pennsylvania criminal code.

⁴ For example, Philadelphia District Attorney, Larry Krasner, released a list of offenses that the DA office would decline to charge, lower the grade of, or divert in February 2018. Philadelphia District Attorney's Office (PLH DAO), *Philadelphia DAO New Policies* (Feb. 2018), <https://phillyda.org/wp-content/uploads/2021/11/DAO-New-Policies-2.15.2018.pdf>.



protections to prevent trafficking survivors from being charged or threatened with “promoting” charges – something that many survivors have experienced.⁵ By increasing penalties for people seeking services from sex workers (“patronizers”), SB45 threatens the incomes and support networks that sex workers and trafficking survivors rely on. For more information, we strongly recommend reading the public letter from At The Center and dozens of survivor-led and allied organizations, which details how SB 45 increases the “criminalization net around survivors and the people they depend on for stability.”⁶

Our Response to Pennsylvania SB45

Our organizations have been involved in coalitions fighting HIV criminalization in Pennsylvania for years and we support, alongside others, the standalone HIV decriminalization bills, HB632 and SB647. **SB45, however, is a substantially different piece of legislation.** We were not included in the legislative process nor did any of our organizations endorse SB45. Some of our organizations have, nevertheless, been associated with the bill because of the HIV decriminalization components. SB45 has also been touted as a win for the HIV decriminalization movement in the Commonwealth and in the media.⁷ For all of these reasons, it is important to make our stance public: **We believe a more nuanced perspective is needed.**

To reiterate and celebrate: this bill achieves hard fought wins. People living with HIV and HIV advocates have worked for years to introduce legislation that would eliminate the HIV sentence enhancement from the Pennsylvania criminal code. In the past, we have worked alongside powerful HIV decriminalization coalitions and organizations in Pennsylvania, including the Pennsylvania HIV Justice Alliance, the AIDS Law Project, Positive Women’s Network-PA, Girl U Can Do It Inc., Philadelphia FIGHT and the Elizabeth Taylor AIDS Foundation. We celebrate this legacy and work.

We remain deeply concerned, however, about how SB45 will make it harder for sex workers and trafficking survivors to survive by further criminalizing their networks of support. SB45 adopts key features associated with the End Demand model of sex work criminalization.⁸ This approach focuses on criminalizing the purchase and promotion of sex work – the “demand” side of the sex trades. It frames all people in the sex trades as “victims”, denies bodily autonomy, and ignores that people can consensually choose to engage in sex work. Ultimately, it aims to end sex work itself by policing and criminalizing

⁵ National Survivor Network, *Impact of Criminal Arrest and Detention on Survivors of Human Trafficking* (Aug. 2016), <https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf>.

⁶ At the Center, *Survivors Oppose Pennsylvania SB45* (June 2026), <https://www.linkedin.com/feed/update/urn:li:activity:7467190582327693312/>.

⁷ See, e.g., Whitney Downard, “Pennsylvania poised to strike down its last law criminalizing HIV,” *Pennsylvania Capital Star* (July 16, 2026), <https://penncapital-star.com/criminal-justice/pennsylvania-poised-to-strike-down-its-last-law-criminalizing-hiv/>; Lauren Rowello, “Pennsylvania set to decriminalize HIV/AIDS and shift state’s approach to sex work,” *Philadelphia Gay News* (July 17, 2026), <https://epgn.com/2026/07/17/pennsylvania-set-to-decriminalize-hiv-aids-and-shift-states-approach-to-sex-work/>; Jacob Ogles, “Josh Shapiro repeals HIV law that made a diagnosis a felony enhancement in Pennsylvania,” *The Advocate* (July 28, 2026), <https://www.advocate.com/politics/states/pennsylvania-hiv-decriminalization>.

⁸ National Survivor Network, *End Demand Tactics Harm All People in the Sex Trades, Including Survivors of Trafficking* (May 2022), <https://nationalsurvivornetwork.org/endeddemandstatement/>.



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people who support or pay sex workers and offers no economic alternative for sex workers. Research shows, however, criminalizing demand does not decrease demand. Instead it forces sex workers further into unsafe conditions, increasing sexual violence, exploitation, and decreasing access to support services.⁹

Additionally, we have questions about the process of passage. The demand from At The Center and allied organizations that anti-trafficking legislation include the meaningful engagement of survivors and people in the sex trades with a broad range of experiences, identities and perspectives echoes our own constant calls for MIPA. We incorporate their desire that Pennsylvania create a formal mechanism to ensure that people with lived experience are included and informed in the legislative process. We are also unclear about the extent to which people living with HIV and HIV-led organizations were involved in this legislation. Our organizations were not involved, despite at times being associated with the bill. We encourage a thorough and honest review of the legislative process to identify where the principles of MIPA were and were not upheld.

We also acknowledge that there are likely complicated dynamics and negotiations that happened behind the scenes. There was immense work that went into mitigating the harms of SB45. We particularly uplift and relied on the analysis from At The Center and dozens of survivor-led and allied organizations. Their insistence on not expanding the definition of "prostitution" will hopefully result in fewer sex workers and survivors getting caught up in the criminal legal system under SB45.

Based on our experience, we fear that the positive components of this bill, such as ending the HIV sentence enhancement, were used as bargaining chips to ensure that the more punitive and carceral aspect of this bill would pass. From our understanding, there were additional amendments that At the Center and others with lived experience advocated for that were dismissed. For example, the "promoting prostitution" clause does not require proof of specific intent to exploit or do harm. Adding a higher *mens rea* could better protect sex workers' and survivors' support networks from criminal liability. This was perhaps a missed opportunity for HIV-led organizations to be in principled solidarity with sex worker-led and survivor-led organizations to ensure we are reiterating each other's demands rather than being pitted against each other.

⁹ Global Network of Sex Work Projects, *The Impact of 'End Demand' Legislation on Women Sex Workers* (2018), https://www.nswp.org/sites/default/files/pb_impact_of_end_demand_on_women_sws_nswp_-_2018.pdf; Kate D'Adamo, "Attacking Demand, Escalating Violence: The Impact of Twenty Years of End Demand Implementation on People who Trade Sex," *Reframe Health and Justice* (Sept. 2021), <https://www.reframehealthandjustice.com/resources/attacking-demand-escalating-violence-the-impact-of-twenty-years-of-end-demand-implementation-on-people-who-trade-sex>; Amnesty International, "We live within a violent system." *Structural Violence against Sex Workers in Ireland* (2022), <https://www.amnesty.org/en/documents/eur29/5156/2022/en/>; Niina Vuolajärvi, "Criminalising the Sex Buyer: Experiences from the Nordic Region," *Centre for Women, Peace + Security* (June 2022), <https://www.lse.ac.uk/women-peace-security/assets/documents/2022/W922-0152-WPS-Policy-Paper-6-singles.pdf>.



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Conclusion

We end this statement as we began: in the spirit of care, transparency, and accountability. Ultimately, we do not support Pennsylvania's SB45 in whole. We celebrate the elimination of the HIV sentence enhancement and honor years of work behind this change. However, we cannot celebrate this bill without also naming the harm it causes. It is incumbent on us to clearly state that this bill puts trafficking survivors and people in the sex trades at further risk of criminalization, surveillance, and other forms of state violence. We also continue to question whether groups that are most impacted by the legislation were indeed meaningfully involved in creating and negotiating SB45. Communities most impacted by HIV, including sex workers, will still be surveilled, targeted, and punished by the criminal legal system in Pennsylvania, and we cannot claim SB45 is a "win" when it gives the system additional tools to do so. Coalitions have, and will continue to, struggle to navigate legislative compromises at the intersection of HIV and sex work decriminalization.¹⁰ It would be useful to learn how the Pennsylvania HIV coalitions or organizations involved navigated decisions around SB45 for future "best practices" and "lessons learned" for other coalition spaces.

In solidarity,
The Center For HIV Law and Policy
Positive Women's Network-USA
The Sero Project

Thank you to the many people who helped draft, review and edit this statement. We are especially grateful to Samara Sevush, Founder, Director & Healing Justice Practitioner at At The Center for her thought partnership, guidance, and edits.

¹⁰ See, e.g., The Center for HIV Law and Policy and National LGBTQ Task Force, *The Intersection of Sex Work and HIV Criminalization: An Advocate's Toolkit* (2017), https://www.hivlawandpolicy.org/sites/default/files/Sex%20Work%20HIV%20Toolkit%20FINAL%20R2_0.pdf.