



# **H.R. 1843/S.1790, REPEAL HIV Discrimination Act Outreach Toolkit**

*THE CENTER FOR HIV LAW AND POLICY IS THE ORGANIZATIONAL HOME OF THE*



## **ACKNOWLEDGEMENTS**

Thank you to Jirair Ratevosian of Congresswoman Barbara Lee's office for providing some of the documents in this toolkit.

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.

A primary goal of the PJP is to improve advocacy for HIV-positive people targeted for criminal prosecution through improved collaboration, strategy, coordination, resource-sharing and support for local advocates.

To join the PJP contact: [rrichardson@hivlawandpolicy.org](mailto:rrichardson@hivlawandpolicy.org).

The **Center for HIV Law and Policy**, provides ongoing coordination of the Positive Justice Project with the active support of PJP's seven working group chairs and the many individual and organizational members of PJP. The Center for HIV Law and Policy is a national legal and policy resource and strategy center for people with HIV and their advocates. CHLP works to reduce the impact of HIV on vulnerable and marginalized communities and to secure the human rights of people affected by HIV.

To learn more about our organization and access the Resource Bank,  
visit our website at [www.hivlawandpolicy.org](http://www.hivlawandpolicy.org).

To contact us:  
Email at [info@hivlawandpolicy.org](mailto:info@hivlawandpolicy.org).

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[H.R. 1843, the Repeal Existing Policies that Encourage and Allow Legal \(REPEAL\) HIV Discrimination Act](#), was introduced on May 7, 2013 introduced by U.S. Congresswoman Barbara Lee (D-Calif.) and Congresswoman Ileana Ros-Lehtinen (R-Fla.). S.1790 was introduced on December 10, 2013 by U.S. Senator Chris Coons (D-Del.). The bill addresses the serious problem of discrimination in the use of criminal and civil commitment laws against those who test positive for HIV. The bill also provides incentives for states to explore repeal or reform of laws and practices. The success of this Bill depends on broad bi-partisan support. While several national and state organizations are working on gaining additional co-sponsors for the bill, the most influential advocacy comes from constituents. When representatives hear from their constituents that a particular issue or bill is important in their state, they will listen, and with enough encouragement they can support legislation.

The following toolkit provides advocates with resources that can be used in outreach efforts to your state's representatives. The toolkit includes: (1) a factsheet that summarizes the Bill's goals and significant provisions; (2) a list of over 200 national and state organizations that have endorsed the REPEAL HIV Discrimination Act, (3) the letter the Bill's sponsors used to engage other congressional supporters and co-sponsors; and (4) list of U.S. House of Representatives Republicans from states with HIV-specific criminal laws. Advocates are encouraged to prioritize these legislators in early outreach efforts because it will be harder to garner their support or co-sponsorship in later months.

Advocates can use this toolkit for letter writing campaigns, calling your representative's state and Washington D.C. offices, or meeting with your representative or the representative's legislative staff.

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# Positive Justice Project

## 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: [rrichardson@hivlawandpolicy.org](mailto:rrichardson@hivlawandpolicy.org).

## **Support Bipartisan Bill to Modernize Discriminatory HIV/AIDS Laws**

***H.R. 1843 endorsed by the Presidential Advisory Council on HIV/AIDS and over 150 organizations including:*** Center for HIV Law and Policy; Sero Project; Lambda Legal; AIDS United; HIV/AIDS Law Project, U.S. Positive Women's Network (PWN); HIV Prevention Justice Alliance; Association of Nurses in AIDS Care; ACLU; The AIDS Institute; Center for Health and Gender Equity (CHANGE); Human Rights Campaign; National Minority AIDS Council; National Alliance of State and Territorial AIDS Directors (NASTAD); National Council of Jewish Women; UCAN Inc. (United Church of Christ HIV & AIDS Network); United Church of Christ Justice and Witness Ministries; United Church of Christ Wider Church Ministries; Black AIDS Institute,

*Latino Commission on AIDS, National Black Leadership Commission on AIDS, Inc., Asian & Pacific Islander American Health Forum; HIV Medicine Association; American Psychological Association; Southern AIDS Coalition, Inc.*

Dear Colleague:

A new CDC [article](#) provides an extensive analysis of the U.S. state laws that criminalize potential HIV exposure. The findings support our bipartisan bill that encourages states with HIV-specific criminal laws to re-examine those laws, assess the laws' alignment with current evidence regarding HIV transmission risk, and consider whether the laws are the best vehicle to achieve their intended purposes.

Current state and federal laws lag behind the medical advances and scientific discoveries in the fight against HIV/AIDS. Today, 32 states and 2 U.S. territories have criminal statutes based on outdated information. In addition, prosecutions for alleged exposure to HIV have occurred in at least 39 states. Instead of progress against the disease and protection for people living with HIV/AIDS, these laws breed fear, discrimination, distrust, and hatred.

That is why we introduced the bipartisan *Repeal Existing Policies that Encourage and Allow Legal HIV Discrimination Act*. Our no cost legislation 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, 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.

Science and medical research have vastly changed our understanding of the virus and its transmission, and we need to modernize our laws to reflect this reality. For more information or to cosponsor, please contact Jirair Ratevosian (with Rep. Lee) at [Jirair.Ratevosian@mail.house.gov](mailto:Jirair.Ratevosian@mail.house.gov) or Nathan Gately (with Rep. Ros-Lehtinen) at [Nathan.Gately@mail.house.gov](mailto:Nathan.Gately@mail.house.gov).

Sincerely,

BARBARA LEE      ILEANA ROS-  
LEHTINEN



## **SAMPLE CONSTITUENT SIGN-ON LETTER IN SUPPORT OF THE REPEAL ACT**

Dear Senator/Representative \_\_\_\_:

As constituent organizations and individuals that support the bipartisan “Repeal Existing Policies that Encourage and Allow Legal HIV Discrimination Act” (S. 1790)/H.R. 1843) (the “REPEAL Act”), we wanted to thank your staff for taking time to meet with our DC-based ally organizations on this important bill. This no-cost legislation would support parallel efforts to prevent new HIV infections. It also represents an essential effort to reduce the stigma and discrimination against people living with HIV that persists today throughout the United States, including in our [State/District]. We strongly support the bill and respectfully urge you to sign on as a co-sponsor.

The REPEAL Act calls for relevant federal agencies to review existing HIV criminalization statutes and offer recommendations to bring them in line with the goals of the National HIV/AIDS Strategy. While the bill does not compel the states to take action, it will send an important and urgently-needed message by expressing the sense of Congress that federal and state laws, policies, and regulations should support and advance the efforts of public health officials and not place a unique or additional burden on individuals solely as a result of their HIV status. [Nowhere is this more important than in [STATE], where [insert example(s) of state-specific problematic statutes/unwarranted prosecutions/higher incidence of HIV/low rates of HIV testing and retention in care within the STATE].

There is growing consensus on the need to address and end the use of special criminal laws and prosecution policies that target persons with HIV, both in [STATE] and nationally. The Positive Justice Project Consensus Statement on the Criminalization of HIV in the United States (<http://www.hivlawandpolicy.org/resources/positive-justice-project-consensus-statement-criminalization-hiv-united-states-positive>), which calls for the modernization of these laws and practices, has been endorsed by hundreds of organizations and individuals throughout the country. Supporters of this statement and of the REPEAL Act include national public health and medical associations who share our concerns about the harmful health consequences of such scientifically unfounded policies. Additionally, [INSERT STATEMENT ABOUT ADVOCACY IN STATE OR INTEREST IN CRIMINALIZATION IN THE STATE].

Thanks again for your consideration of this important legislation, and we look forward to being in touch and hearing back from you regarding co-sponsorship of the REPEAL Act. Please call on us if we can be of any assistance or provide further information. We can be reached through [INSERT NAME AND CONTACT INFORMATION OF LEAD ORGANIZATION].

Sincerely,

## **H.R. 1843, The **REPEAL HIV Discrimination Act** Organizational Supporter**

### **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
- 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

- BTAN
  - 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
  - Baltimore Black Pride, Inc
- Massachusetts**
- AIDS Action Committee of MA
- Florida**
- Okaloosa AIDS Support & Informational Services, Inc. (OASIS)
  - Rural Women's Health Project (Gainesville)
  - Dab the AIDS Bear Project (Northern Florida)
  - Positively U, Inc.
  - CenterLink: The community of LGBT Centers
  - Miami Valley Positives for Positives
- Maryland**
- LifeLinc of Marylands
  - AIDS Action Baltimore
  - Baltimore Student Harm Reduction Coalition
  - Ladies of Charity
  - Equality Maryland
  - PeterCares House
  - STRAT at Westminster
  - Moveable Feast
- Washington, DC**
- Family and Medical Counseling Service
- California**
- Christie's Place
  - Project Inform
  - AIDS Legal Referral Panel
  - Positively Speaking
  - Aids Healthcare Foundation
  - Marin AIDS Project

- AIDS Project Los Angeles
- ACT UP San Francisco
- Tin Pan Alley Productions, Inc.

**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

**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.

**Tennessee**

- Nashville CARES
- Positive East Tennesseans

**Texas**

- San Antonio AIDS Foundation
- Legacy Community Health Services

**New Jersey**

- New Jersey Association on Correction
- Hyacinth AIDS Foundation

**Missouri**

- POZ
- Missouri AIDS Task Force

- Saint Louis Effort for AIDS

**Georgia**

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

**Washington**

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

**Indiana**

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

**Michigan**

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

**Louisiana**

- Belle Reve
- HAART

**South Carolina**

- Wateree AIDS Task Force

**Colorado**

- Colorado AIDS Project

**Iowa**

- Community HIV/Hepatitis

**To endorse the REPEAL Act as an individual or organization, please email [tanderson@hivlawandpolicy.org](mailto:tanderson@hivlawandpolicy.org). Please indicate whether you are endorsing as an individual, organization, or both, and provide your state of residence.**

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

**North Carolina**

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

**Idaho**

- IACHA

**Wisconsin**

- AIDS Resource Center of Wisconsin

**New Mexico**

- New Mexico Consumer Advocacy Coalition

**Virginia**

- Eastern Virginia AIDS Network

- Beacon Center for Infectious Disease Ryan White Program
- Rocky Mountain CARES
- Red Ribbon Project
- Howard Dental Center

**Illinois**

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

**Minnesota**

- Minnesota AIDS Project

**Alabama**

- AIDS Alabama

**Hawaii**

- CHOW Project

Advocates of Iowa Network

**Delaware**

- Human Rights Campaign

**Puerto Rico**

- Pacientes de Sida pro Politica Sana

