



November 2, 2022

The Honorable Tom Wolf, Governor of Pennsylvania
508 Main Capitol Building
Harrisburg, PA 17120

RE: The Center for HIV Law & Policy Opposition to Pennsylvania HB 103 P.N. 3500 (Schmitt)

Dear Governor Wolf,

We are writing to you on behalf of The Center for HIV Law & Policy (CHLP), a national organization that challenges barriers to the rights and health of people affected by HIV through legal advocacy, high-impact policy initiatives, and the creation of cross-issue partnerships, networks, and resources. We support movement building that amplifies the power of individuals and communities to mobilize for change that is rooted in racial, gender, and economic justice.

A recent proposal passed by the Pennsylvania General Assembly, House Bill 103, puts the state in great danger by undermining the efforts of the Department of Health to end the HIV epidemic. HB 103 threatens to set Pennsylvania and its public health goals back by a generation and paves the way for the discriminatory application of the criminal law against deeply marginalized communities. *We urge you to veto HB 103 and consider working with CHLP, Positive Women's Network-USA, and local advocacy groups to protect the rights and human dignity of Pennsylvanians by pledging to end the criminalization of people living with HIV.*

Establishing new laws that penalize communicable disease “exposure” works at cross purposes with public health

Numerous associations of public health leaders strongly condemn enforcing penalties that target “exposure” or alleged transmission of a communicable disease to another person. This list includes the [National Association of State and Territorial AIDS Directors \(NASTAD\)](#), the [Council of State and Territorial Epidemiologists \(CSTE\)](#), the [National Association of County and City Health Officials \(NACCHO\)](#), the [National Coalition of STD Directors \(NCSDD\)](#), and the [Infectious Diseases Society of America \(IDSA\) and HIV Medicine Association \(HIVMA\)](#). There is growing concern among policy experts, medical providers, legal professionals, and advocates

that proposals like HB 103 repel the very patients Pennsylvania is working hardest to engage further away from your state's preventative services, testing, and care that save lives.

[In most states, people living with HIV are subject to severe felony prosecutions](#), not for acting with an intent to harm another individual, but for knowing their health status and taking part in some form of conduct that triggers criminal legal enforcement. HB 103 conditions prosecutions on whether someone is aware they are "infected with a communicable disease," rather than on proof someone specifically intended to transmit a communicable disease to someone else, and proof that someone's alleged conduct resulted in the transmission of a communicable disease. You may be aware that the [Department of Justice is currently investigating whether laws that single out and punish people living with HIV violate federal disability-based protections](#).

The harsh penalties HB 103 seeks to establish would further discourage Pennsylvanians from connecting to testing and care by criminalizing them for having knowledge of their status. By alienating patients from testing and care, HB 103 may potentially contribute to a higher prevalence of HIV diagnoses in Pennsylvania and cost the state significantly more to address its public health issues.

HB 103 criminalizes conduct that cannot medically result in the transmission of HIV or are low-risk exposures to other diseases

This bill also needlessly stigmatizes people living with manageable, treatable conditions by criminalizing bodily fluid exposure, which is not a known route for the transmission of most serious infectious and communicable diseases. Simply coming into contact with blood, semen, saliva, urine, and/or feces is not a recognized method of HIV, HBV, or HCV transmission.

The Centers for Disease Control and Prevention (CDC) notes that [HBV and HCV transmissions are most likely to occur after sexual contact or sharing contaminated drug injection devices](#), not casual contact with bodily fluids during the normal duties of one's profession. The "risk" of HIV transmission from exposure to saliva or having bodily fluids "thrown" towards someone is [not even worth considering on a clinical and scientific level](#). There is no reported case of any correctional or law enforcement officer testing positive for HIV after being exposed to bodily fluids at work. There are no documented cases of HIV transmission caused by contact with vomit, urine, or feces either. In short, HB 103 is not medically or scientifically sound, and many believe it exists to further expand the power to prosecute and incarcerate marginalized communities most at risk and affected by HIV and viral hepatitis.

As many policy experts and local advocates have already noted, offenses to prosecute people who assault an officer already exist in Pennsylvania, and they carry serious penalties. HB 103 jeopardizes Pennsylvania's work to address public health crises and its commitment to protecting the health and safety of its communities.

We urge that you veto this harmful and unnecessary proposal, meet with CHLP, Positive Women's Network-USA, and local advocacy groups, and assemble an HIV criminalization task

force to advise on solutions to end the criminalization of people living with all stigmatized diseases and disabilities in Pennsylvania.

Sincerely,



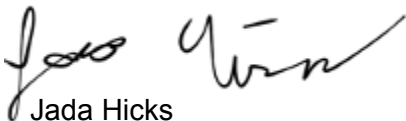
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