

AMERICAN MEDICAL STUDENT ASSOCIATION
HOUSE OF DELEGATES 2017
RESOLUTION: A6

INTRODUCED BY: Kelly Thibert, National President; H. Matthew Moy, Education and Advocacy Fellow; Smit S. Deliwala, International Trustee; Diana Huang, Vice President for Programming Development

SCHOOL: Nova Southeastern University College of Osteopathic Medicine, Rosalind Franklin University of Medicine & Science - Chicago Medical School, Saint James School of Medicine, Lewis Katz School of Medicine

SUBJECT: Principles regarding Human Immunodeficiency Virus (HIV) and HIV-related illnesses

TYPE: Resolution of Principles

1 WHEREAS an analysis by CDC and Department of Justice researchers found that, by 2011, a
2 total of 67 laws explicitly focused on persons living with HIV had been enacted in 33 states (1)

3
4 WHEREAS the following states have laws that prosecute individuals for criminal exposure of
5 HIV: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho,
6 Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan,
7 Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, North Carolina,
8 North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota,
9 Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin (1)

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11 WHEREAS these laws impose criminal penalties on people living with HIV who know their
12 HIV status and who potentially expose others to HIV (1)

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14 WHEREAS in 24 states, laws require persons who are aware that they have HIV to disclose their
15 status to sexual partners and 14 states require disclosure to needle-sharing partners. Twenty-five
16 states criminalize one or more behaviors that pose a low or negligible risk for HIV transmission
17 (1)

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19 WHEREAS the majority of laws identified for the CDC analysis were passed before studies
20 showed that antiretroviral therapy (ART) reduces HIV transmission risk and most do not account
21 for HIV prevention measures that reduce transmission risk, such as condom use, ART, or pre-
22 exposure prophylaxis (PrEP) (1)

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WHEREAS the continued existence and enforcement of these types of laws [that criminalize HIV infection] run counter to scientific evidence about routes of HIV transmission and may undermine the public health goals of promoting HIV screening and treatment (2)

WHEREAS over 40 states or territories do not have laws or regulations that protect people living with HIV against discrimination (5)

WHEREAS studies have shown that these laws did not deter risky behavior and may cause harm by interfering with public health efforts to reach those populations at highest risk of infection (3)

WHEREAS concerns have been raised in the literature that HIV-specific criminal laws may also increase stigma towards persons living with HIV, reduce the likelihood of disclosure to sexual or needle-sharing partners, reduce frequency of HIV testing since knowledge of status is required for culpability, or lead to inflammatory or ill-informed media coverage that may perpetuate misinformation regarding modes of HIV transmission (4)

THEREFORE BE IT RESOLVED that the Principles regarding Human Immunodeficiency Virus (HIV) and HIV-related illnesses (p. 108) be **ADDENDED BY ADDITION** to state:

2. In regard to discrimination and stigma:

D.

SUPPORTS efforts regarding dismantling criminal prosecution of individuals for HIV-related offenses, as such legislation contributes to stigma towards persons living with HIV

URGES review of federal and state laws that criminalize HIV-related offenses

FISCAL NOTE: None

References:

(1) <http://www.cdc.gov/hiv/policies/law/states/exposure.html>

(2) The White House Office of National AIDS Policy (July 2010). "National HIV/AIDS Strategy for the United States" (PDF). p. 35.

(3) Burriss S, Beletsky L, Burleson J, Case P, Lazzarini Z. Do criminal laws influence HIV risk behavior? An empirical trial. *Ariz St L J.* 2007;39:467–517.

[61](#) (4) Lehman, J. Stan, et al. "Prevalence and Public Health Implications of State Laws that
[62](#) Criminalize Potential HIV Exposure in the United States." *Springer Link*. N.p., June 2014. Web.
[63](#) 6 July 2016. <<http://link.springer.com/article/10.1007/s10461-014-0724-0/fulltext.html>>.

[64](#) (5) Global Criminalisation Scan. <http://criminalisation.gnpplus.net/node/1641>

[65](#) (6) <http://projects.propublica.org/tables/penalties>

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[68](#) **REPORT OF REFERENCE COMMITTEE A**

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[70](#) **DISCUSSION**

[71](#) BOT: Adopt as amended by unanimous consent

[72](#) **D. SUPPORTS** efforts regarding dismantling criminal prosecution of individuals for ~~HIV-related~~

[73](#) ~~HIV-specific~~ offenses, as such legislation contributes to stigma towards persons living with HIV

[74](#) **URGES** review of federal and state laws that criminalize HIV-related offenses

[75](#) BRD: N/A

[76](#) PRD: Recommend to adopt as written

[77](#) IRD: recommends to adopt as written

[78](#) ACTE: amend as follows

[79](#) a. Recognizes that the FDA revised donor deferral policy of 2015 is discriminatory against
[80](#) men who have sex with men who have tested HIV negative.

[81](#) b. High risk behavior should be used as a primary determinant of donor eligibility instead of
[82](#) sexual identity

[83](#) Premedical Caucus: N/A

[84](#) Other Groups: Voted to NA

[85](#)

[86](#) **SUMMARY OF DISCUSSION:**

[87](#) **PROS:** No proposition testimony provided. Overall, there is a consensus to de-stigmatize
[88](#) patients living with HIV.

[89](#) **CONS:** The term dis-mantling and de-criminalizing are very strong words.

[90](#)

[91](#) **REFERENCE COMMITTEE COMMENTS:**

[92](#) PPP states under "PRINCIPLES REGARDING HUMAN IMMUNODEFICIENCY VIRUS
[93](#) (HIV) AND HIV-RELATED ILLNESSES...12. RECOGNIZES that human rights abuses are
[94](#) integral to the possible human rights catastrophe surrounding HIV/AIDS and includes but is not
[95](#) limited to violations of the right to be free from discrimination, the right to personal protection,
[96](#) the right to information, the right to health and the right to life. (2002)" which the right to
[97](#) information may become infringed upon.

[98](#) All regions and groups suggested adoption with little to no amendment

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[100](#) **REFERENCE COMMITTEE RECOMMENDATION:**

[101](#)

[102](#) Refer to Committee

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The reference committee recommends referral to an ad-hoc committee comprised of the following representatives: VPPD, Gender and Sexuality Chair and Community, and Public Health Chair to submit a new resolution on the issues presented for consideration by HOD 2018.