

AMERICAN MEDICAL STUDENT ASSOCIATION
HOUSE OF DELEGATES 2017
RESOLUTION: A6

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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)
10

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)
13

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)
18

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)

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) Burris 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.

(4) Lehman, J. Stan, et al. "Prevalence and Public Health Implications of State Laws that Criminalize Potential HIV Exposure in the United States." *Springer Link*. N.p., June 2014. Web. 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>