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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. RES.

Support for the designation of February 28 as “HIV is Not a Crime Awareness Day” and affirming that people living with HIV should not be criminalized based on their HIV status.

IN THE HOUSE OF REPRESENTATIVES

Mr. POCAN submitted the following resolution; which was referred to the
Committee on _____

RESOLUTION

Support for the designation of February 28 as “HIV is Not a Crime Awareness Day” and affirming that people living with HIV should not be criminalized based on their HIV status.

Whereas this resolution may be cited as the “HIV is Not a Crime Day Resolution”

Whereas “HIV is Not a Crime Awareness Day” is a nationwide observance that calls on people to take action to invest in the decriminalization of HIV;

Whereas “HIV is Not a Crime Awareness Day” was established to raise awareness about the criminalization of people living with HIV and to amplify the voices of indi-

viduals and communities most impacted by HIV criminalization;

Whereas HIV criminalization is antiquated enforcement of laws that either criminalize otherwise legal conduct or increase the penalties of illegal conduct based on a person's HIV-positive status, often regardless of transmission occurring, proof of intent to transmit, the possibility of transmission, the risk of transmission, or proof of disclosure;

Whereas more than 40 years into the epidemic, the Centers for Disease Control and Prevention estimates that in the United States more than 1,132,739 people are living with HIV, and 39,201 people were diagnosed with HIV in the United States in 2023;

Whereas there is no study or data to support that HIV criminalization laws prevent or lower HIV transmission rates or promote disclosure of HIV status;

Whereas there are 32 states with HIV-specific exposure and/or transmission laws, and 28 states have harsh criminal penalty enhancements that heighten charges based on a person knowing that they are living with HIV;

Whereas there are 5 states that require a person to register on a Sex Offense Registry as part of the punishment for a conviction under HIV-specific laws;

Whereas up to 25% of the cases prosecuted are for spitting or biting, which do not transmit HIV;

Whereas 12 states have modernized their HIV criminalization laws in various ways (IA, CA, CO, LA, NC, MI, MO, NV, WA, TN, VA, and GA) and 5 states have repealed (TX, NJ, IL, ND, and MD);

Whereas a critical step in changing these laws includes educating communities, lawmakers, public health support staff, leaders in impacted communities, law enforcement, and stakeholders in the judicial system;

Whereas according to the Williams Institute reports done in multiple states, Black and brown communities are most impacted by HIV criminalization laws, as well as further disenfranchisement by HIV incidence rates;

Whereas Black women and transgender women are also disproportionately impacted by HIV criminalization laws, especially in states where there are laws that specifically target sex workers;

Whereas “HIV is Not a Crime Awareness Day” is a call to action to end state-sanctioned violence towards communities of people living with HIV;

Whereas evidence shows that HIV criminalization laws undermine public health efforts by deterring people from seeking HIV testing/treatment, stigmatizing those living with HIV, and the communities most impacted by HIV;

Whereas in order to end the HIV epidemic, we must end HIV criminalization, promote education about HIV, increase HIV funding for treatment and prevention, and reduce stigma and discrimination towards people living with HIV; and

Whereas February 28 of each year is now recognized as “HIV is Not a Crime Awareness Day”: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) supports the goals and ideals of “HIV is

3 Not a Crime Awareness Day”;

1 (2) encourages federal, state and local govern-
2 ments, their judicial and healthcare, and educational
3 agencies, schools, and media organizations to recog-
4 nize and support such a day;

5 (3) supports community and law enforcement
6 education on prevention, treatment, transmission,
7 disclosure, and care;

8 (4) promotes up-to-date, inclusive, culturally re-
9 sponsible, and medically accurate information about
10 HIV, including pre-exposure prophylaxis (PrEP), in
11 sex education curricula to ensure that all people are
12 educated about HIV;

13 (5) affirms that people living with HIV should
14 not be criminalized or subject to enhanced punish-
15 ments solely on the basis of their HIV status;

16 (6) supports removal of HIV laws that are sci-
17 entifically inaccurate and unfairly criminalize people
18 living with HIV for behaviors that are consensual or
19 have no risk of transmission;

20 (7) honors and supports individuals and com-
21 munities affected by HIV criminalization, including
22 those who have been prosecuted, incarcerated, or
23 otherwise harmed under such laws;

24 (8) encourages awareness and education, public
25 dialogue, and evidence-based approaches that reflect

1 current scientific understanding of HIV, reduce stig-
2 ma and promote public health, justice, and equity;

3 (9) recognizes the direct impact from harmful
4 legislative efforts seeking to restrict bodily auton-
5 omy, such as restrictions on abortion and birth con-
6 trol access and bans on gender affirming care, which
7 negatively impact access to non-stigmatizing HIV
8 prevention, education, confidential testing and treat-
9 ment, and increases risk for criminalization; and

10 (10) supports the increase of funding for pro-
11 grams that support people impacted by and living
12 with HIV, as well as programs that support medical
13 mentorship, peer navigation, educating communities
14 on testing and treatment options, PrEP and PEP
15 access, and programs that ensure a smoother transi-
16 tion to HIV care.