

Senate Bill No. 284—Senators Parks, Brooks, Spearman; Cancela, Denis, Dondero Loop, D. Harris, Ratti, Scheible and Woodhouse

Joint Sponsors: Assemblymen Thompson;
Carlton and Spiegel

CHAPTER.....

AN ACT relating to medical conditions; creating the Advisory Task Force on HIV Exposure Modernization; setting forth the duties of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Advisory Task Force on HIV Exposure Modernization appointed by the Governor. This bill requires the Task Force to conduct a comprehensive examination during the 2019-2020 legislative interim of the statutes and regulations in this State related to the criminalization of exposing a person to the human immunodeficiency virus (HIV). This bill requires the Task Force to submit a report of its findings and recommendations to the Governor and the Legislative Counsel Bureau not later than September 1, 2020.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

WHEREAS, Multiple peer-reviewed studies demonstrate that human immunodeficiency virus-specific laws do not reduce risk-taking behavior or increase disclosure by people living with or at risk of contracting the human immunodeficiency virus (HIV), and there is increasing evidence that these laws reduce the willingness to get tested; and

WHEREAS, Antiretroviral medications can reduce the human immunodeficiency virus to undetectable levels and reduce the risk of transmitting HIV to near zero; and

WHEREAS, Nevada has implemented multiple statutes that impose penalties on people with HIV who know their HIV status and potentially expose others to HIV; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Advisory Task Force on HIV Exposure Modernization is hereby created.

2. The Governor shall:

(a) Solicit applications for appointment to the Task Force; and



(b) After considering each application received pursuant to this subsection, appoint not more than 15 members to the Task Force ensuring that the majority of the members are:

(1) Persons who are living with the human immunodeficiency virus (HIV), affected by HIV or acquired immune deficiency syndrome (AIDS); or

(2) Persons who represent an occupation, organization or community that is more affected or more at risk of being affected than the general population by the current statutes and regulations of this State that criminalize exposure to HIV.

3. The Speaker of the Assembly and the Majority Leader of the Senate may each recommend to the Governor the appointment of one Legislator to the Task Force.

4. At the first meeting of the Task Force, the members of the Task Force shall elect a Chair and a Vice Chair by majority vote.

5. A vacancy occurring in the appointed membership of the Task Force must be filled in the same manner as the original appointment.

6. The Task Force shall solicit input from persons and nongovernmental agencies with expertise in matters relevant to the Task Force in carrying out its duties pursuant to this section, including, without limitation, persons, organizations and communities that are directly affected by the current statutes and regulations of this State that criminalize exposure to HIV or mandate HIV testing or disclosure as part of any civil or criminal law, or are likely to be affected by any law or policy recommended by the Task Force.

7. The Department of Health and Human Services shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties pursuant to this section.

8. The members of the Task Force serve without compensation or per diem allowance. A member may receive reimbursement for travel expenses if sufficient money collected pursuant to subsection 9 for the Task Force to carry out its duties is available.

9. The Task Force may apply for any available grants and accept any gifts, grants or donations to assist the Task Force in carrying out its duties pursuant to this section.

10. The Task Force shall:

(a) Identify, review and evaluate the current statutes and regulations of this State that criminalize exposure to HIV;

(b) Research the implementation and impact of such statutes and regulations, including without limitation, quantifying their impact



through the analysis of the records, information and data relevant to this State to the extent possible;

(c) Identify any disparities in arrests, prosecutions or convictions under such statutes or regulations related to race, color, sex, sexual orientation, gender identity or expression, age or national origin;

(d) Evaluate current medical and scientific research with respect to the modes of HIV transmission implicated by such statutes and regulations;

(e) Identify any court decisions enforcing or challenging such statutes and regulations; and

(f) Assess developments occurring in other states and nationally with respect to modernizing HIV criminalization laws.

11. The Task Force may make recommendations concerning any matter relating to the review and evaluation pursuant to subsection 10, including, without limitation, recommendations concerning proposed legislation, proposed regulations and policies.

12. The Task Force shall, on or before September 1, 2020, prepare and submit a report of the activities, findings and recommendations of the Task Force to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Legislature.

Sec. 2. This act becomes effective on July 1, 2019.

