



# HIV MODERNIZATION IN NEVADA



## Why are these current laws so problematic?

We have made significant advances in our scientific understanding of HIV and the medical interventions available to treat it.

Our laws should reflect this progress.

Living with a chronic illness should not be criminalized, but that is exactly what laws that use outdated language and science do.

We offer elements of modernization that are based in science and not stigma; that ask for proof of transmission and intent; that require a realistic possibility of transmission and promote public health.

They were created from a lack of information and science.

At the height of the AIDS epidemic there was little understanding of HIV and widespread concern about its transmission.

Out of fear and limited scientific knowledge many states enacted harmful and discriminatory laws that have done more harm than good. These statutes are unnecessary and counterproductive.

They do not promote public health.

There is no evidence that HIV criminalization laws promote public health. Many of these outdated laws discourage people from testing and getting into treatment, which we now know prevents the spread of HIV.

They punish those who learn their status and privilege those who remain ignorant. They create mistrust of health professionals, making people who test HIV positive less likely to cooperate with partner notification, treatment adherence, and other prevention programs.



<https://www.pwn-usa.org/>



# ELEMENTS OF MODERNIZATION

If any statute criminalizing HIV must exist, it must meet the following criteria:

## Proof of Transmission

Any law criminalizing behavior that poses a risk of transmission or exposure to HIV, should include proof of: 1) a realistic possibility of transmission, 2) the intent of the alleged perpetrator, and 3) non-disclosure.

## Based in Science, not Stigma

Laws should not criminalize behavior that poses no risk of transmission. This includes discriminatory penalty enhancing sentences for people with a known HIV status.

## Promote Public Health

Criminalizing HIV in broad terms – or having poorly drafted legislation that allows for inappropriate application – undermines the public health goals of such laws. They further marginalize and isolate communities of color, including Latinx and immigrant communities, women, the LGBTQ+ communities, people in the commercial sex trade, and the community of people who use drugs.

All these communities are priority groups in every plan to End The (HIV) Epidemic (ETE) nationwide.