

Steve Sisolak
Governor



Richard Whitley, MS
Director

**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



Lisa Sherych
Administrator

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Chief Medical Officer

SB 284 – ADVISORY TASK FORCE ON HIV EXPOSURE MODERNIZATION

March 24, 2021

5 PM

WebEx Teleconference

Approved April 14, 2021

TASK FORCE MEMBERS PRESENT:

André Wade, Chair
Stephan Page
Jen Howell
Cheryl Radeloff
Connie Schearer
Quentin Savvoir
Cynthia Watson Catha
Ruben Murillo
Catherine Elliot

TASK FORCE MEMBERS ABSENT:

Senator Dallas Harris, Co-Chair (Excused)
Vince Collins
Senator David Parks
Steve Amend
Antioco Carrillo (Excused)

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH STAFF PRESENT:

Tory Johnson, Mgmt, Section Manager, Office of HIV
Octavio Posada, Health Program Specialist I (Contractor), Office of HIV

GUESTS PRESENT:

Nathan Cisneros
Linda Anderson
Marguerite Schauer

The Board reserves the right to take items in a different order or to combine two or more agenda items for consideration to accomplish business in the most efficient manner. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

1. Call to Order, Roll Call – *Office of HIV Staff*

Chair Andre' Wade called the meeting to order at 5:06 p.m., asking Octavio Posada, Health Program Specialist I (Contractor), to take a roll call. Nine (9) of the fourteen (14) members were present; a quorum was met.

2. Public Comment - Chair, André Wade

(No action may be taken on a matter raised under this item of the agenda until the matter itself has been included specifically on an agenda as an item upon which action will be taken.)

Chair Wade asked if there was any public comment to be made, and for those making comments, to say their name and limit response to three minutes; there were no public comments.

3. Review and Approval of the February 17, 2020 draft minutes – Chair, André Wade

Chair Wade asked members if there were any corrections or revisions to the minutes as submitted. There were none. Chair Wade moved to approve the minutes as presented; Ruben Murillo seconded the motion. Chair Wade called for a discussion and then for a vote, asking for all those in favor to say 'Aye,' and any opposed to say 'Nay.' None opposed; the motion carried to approve minutes as submitted.

4. Update on status of BDR 40-220 (2021) and 2021 81st Legislative Session – Co-Chair, Senator Dallas Harris

Chair Wade stated that Co-Chair Harris informed him that she would not attend today's meeting as she was not feeling well. Regarding the hearing for SB 275, it was scheduled for Thursday (March 25) at 3:30 PM, and that the hearing would be online.

Chair Wade then asked the Task Force members for any questions or comments regarding the agenda item; there were none.

5. Discussion of BDR 40-220 (2021) bill if language has been released – Chair, André Wade

Stephan Page mentioned that while all recommendations were not adopted, some sections were repealed, such as Section 201.205, along with all others for which repeal was requested. Stephan Page shared that some of the public health statutes (441A.160 & 180, and 441A195) did not include the language recommended by the Task Force. Stephan Page shared that with Marguerite

Schauer and the Coalition, they had revised some of the previously recommended language, including some problematic language not previously identified by the Task Force.

In response to Stephan Page's comment, Chair Wade responded that delays were experienced with the hearings of bills that could have impacted the final language that may not have been the language initially submitted. Instead, conceptual amendments have been implemented. Chair Wade shared that he would wait for Co-Chair Harris to provide more information on this agenda item.

Stephan Page then asked if the conceptual amendment would be presented during tomorrow's hearing; Chair Wade asked Stephan to reach out to Co-Chair Harris to answer his question.

Ruben Murillo shared that conceptual amendments agreed to by the legislators before the introduction of a bill will be usually offered at the introduction of a bill.

Marguerite Schauer mentioned that she had written the amendments for 441A.160 and 441A.180 and that the bill had not included the amendment recommendations.

Chair Wade asked for any other comments from the Task Force members; there were none.

6. Update on status of Williams Institute's research on the implementation and impact of statutes and regulations through analysis of records information and data relevant to Nevada. – Chair, André Wade

Chair Wade asked Brand Sears and Nathan Cisneros for an update. Brand Sears introduced Nathan Cisneros, who was able to obtain the discussed data. Nathan Cisneros is the HIV Criminalization Analyst at the Williams Institute.

Brad Sears stated that he obtained what looks like a complete set of data from 2013 to the present and that although they thought that there was a gap in data before 2013, that does not seem to be the case. Furthermore, Brad Sears commented that if anyone was charged with an HIV crime in Nevada, the Williams Institute obtained that data. The eight years of data show that Nevada's data seems to be consistent with that of every other state. The received data showed seventy-four records different charges for HIV-related crimes taking place in sixty-four separate arrests, where individuals were charged with more than one count of an HIV crime; and those sixty-seven arrests took place among thirty-seven people, which means that individuals were arrested more than once. Thirty-seven people had one or two arrests, and twenty-four of those people only had one arrest, and the other six had two arrests for the HIV crimes.

Among the seventy-four charges, fifty of them involved sex workers or charged as an HIV-positive sex worker allegedly engaging in solicitation for prostitution. Transmission, exposure, or attempted transmission constituted the remaining charges, and only three of those charges were for attempted transmission.

Out of the fifty solicitation offenses, about thirty of them happen after 2013; twenty before 2013; of the transmission or attempted transmission cases, seventeen occurred after 2013, and only seven before 2013.

Nevada's data is consistent with other states where Nevada is getting attention on the issue of HIV Criminalization, particularly among the sex worker arrests. In terms of race and gender, Brad Sears explained that the data shows significant disparities, particularly in arrest among Black people compared to other groups. Out of the thirty-seven arrests, nineteen involved individuals identified as Black or were identified by the arresting officers as Black; one identified as White-Hispanic. Most of the persons arrested were males, and in terms of gender, about sixty-two percent were men, one-third were women, and there are good reasons to believe that at least two people may have been transgender; these two individuals were arrested for an HIV related crime. The average age of the individuals arrested was thirty-one years. Not surprisingly, among those who were HIV positive engaging in sex work, about forty-five percent of those arrests were women, forty-five percent were men and the previously referenced two arrests of transgender individuals. Two-thirds of the people arrested for sex work were Black for HIV-related arrests. Eighty-nine of the arrests for attempts to transmit HIV crimes were men; there was no information available for the sexual orientation.

Regarding the demographic distribution of all these charges by law enforcement, eighty-two percent took place in Las Vegas, twelve percent taking place in Reno. The Las Vegas Metropolitan Police Department is responsible for fifty-seven of the seventy-four HIV-related charges.

The collected information also showed other public health violations, where these other public health violations impacted eighty-one people. The vast majority of these violations were for exposing law enforcement or correctional officers to bodily fluids that were not HIV specific. A handful of these arrests were related to violating a public health order.

As requested from Brad Sears, Nathan Cisneros shared that the Williams Institute would be interested in learning the number of cases that are brought into the justice system from the arrests solely on the HIV-related charges. Another area of interest would be the final disposition or outcome of these arrests; preliminary numbers show that one-quarter to one-third of people go through prosecution and are then found guilty of the charges. And that the majority of people who plead guilty are eventually found guilty.

Chair Wade stated asked the Task Force members for questions to Brad Sears or Nathan Cisneros. Catherine Elliot shared that it is not surprising that the vast majority plead guilty as incarcerated people often cannot pay the bail and, therefore, accept the deal and end up with a conviction on their record.

Stephan Page then asked about a timeline for the Williams Institute to provide a report with all the data. In response, Brad Sears mentioned that the Williams Institute could provide a written submission to the Task Force that would align with the Task Force's needs. Nathan Cisneros reported that they did not have any information on sentencing on the received data.

Cheryl Radeloff asked for the report to be posted in the EndHIVnevada.org portal and asked for confirmation about the number of arrests for solicitation charges, to which Brad Sears that twenty people had been charged. Cheryl Radeloff also asked if there was any data within the arrests on the facility where the arrests were made and where the individuals were tested for HIV. In response, Nathan Cisneros stated that they did not have that information. There were no further questions from the Task Force members.

7. Discussion and possible action to revise or supplement the information in the Task Force's report to the Legislature— Chair, André Wade

Chair Wade stated that a couple of weeks ago, the Task Force had discussed adding NRS 40.770, which was added to the legislation changing the word AIDS to HIV where necessary. Although Chair Wade asked, the Task Force members did not have any other information that would need to be added to the legislature's report.

8. Recommendations for future agenda items— Chair, André Wade

Chair Wade asked the Task Force for any recommendations for future meetings and what the agenda items would be.

Rubin Murillo shared that the Task Force would want an update on the legislative sessions but was unsure what the deadlines would be. Quentin Savvoir stated that April 9 would be the deadline for a bill to be passed out of committee unless a bill is given an extension. Ruben Murillo then suggested for the next meeting take place after April 9. Chair Wade then indicated for the next meeting to take place on April 14, 2021.

Cheryl Radeloff mentioned that she would like for information from communications outside of the Task Force meetings to be added to the next meeting's agenda. Ruben Murillo suggested for Stephan Page to send the information in the form of an email. Stephan Page stated that he would forward the information to Tory Johnson from the Office of HIV to distribute to all Task Force members.

Stephan Page asked if the testimony to be presented on behalf of the Task Force was ready to be presented tomorrow. Jen Howell mentioned that she had forwarded a draft of the testimony to Chair Wade and that she would forward it to Chair Wade once more.

Ruben Murillo then asked about any Task Force member that would be presenting the Task Force or any other groups that would be testifying in support of the bill. Stephan page shared that there will be a few organizations that would be testifying in support of the Task Force's bill. Chair Wade also mentioned that letters of support from various organizations were also submitted to support the bill.

In response to Cynthia Watson's question, Chair Wade mentioned that the live testimony would be online; Cynthia Watson shared that she would be happy to provide testimony on behalf of the Task Force.

Chair Wade then suggested for the next meeting take place on April 14, 2021, unless an emergency meeting would need to be called. Office of HIV Staff (contractor) Octavio Posada suggested for the agenda and any other documents to be forward to the Office of HIV for review and processing as soon as possible to meet all Open Meeting Laws requirements in the state of Nevada.

Guest Linda Anderson commented that the Task Force should not be overly concerned about someone testifying on behalf of the Task Force given the expressed support planned in support of the Task Force's bill; but that the Task Force should consider selecting someone for any future testimonies.

9. Public Comment – Chair, André Wade

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Chair Wade asked if there was any public comment to be made, and for those making comments to say their name and limit response to three minutes; there were no public comments.

10. Adjournment – Chair, André Wade

Chair Wade motioned for adjournment of the meeting. Stephan Page seconded the motion. Chair Wade called for a vote, all in favor say, 'Aye,' any opposed say 'Nay.' None opposed; there was no discussion; the meeting adjourned at 6:12 pm.