

RE: Opposition to [HB 103](#) PN 73 (Schmitt)

March 15, 2021

Honorable Members
Pennsylvania House of Representatives
1039 E Hunting Park Ave
Philadelphia, PA 19124

Dear Members of the House of Representatives:

The American Academy of HIV Medicine is extremely concerned that HB 103, which creates a new offense for throwing, tossing, spitting, or expelling saliva or bodily fluid or material which comes into contact with a law enforcement officer (upgraded to a third degree felony if the fluid or material comes from someone infected by a communicable disease), will end up actually undermining Pennsylvania's progress in working to end the HIV epidemic in the state.

The Academy has long taken [the position](#) in opposition to laws that “distinguish HIV disease from other comparable diseases or that create disproportionate penalties for disclosure, exposure or transmission of HIV disease beyond normal public health ordinances.” As we state in our position statement, we support non-punitive prevention approaches to HIV centered on current scientific understanding and evidence-based research. Unfortunately, this legislation will ultimately distinguish HIV and hepatitis from other comparable diseases, creates an extremely punitive approach to HIV and is in direct contravention of the science around HIV. According to the [Centers for Disease Control and Prevention](#), saliva cannot transmit HIV and other fluids to transmit HIV must come in contact with a mucous membrane or damaged tissue. This is incredibly unlikely to occur and indeed we are unaware of cases in which this sort of transmission has occurred. The CDC considers [the likelihood of HIV transmission](#) through the listed exposure routes to be negligible, meaning that they are technically possible but unlikely and not well documented. The Academy regards these as essentially zero risk.

Passage of this law would contradict the National Viral Hepatitis Strategic Plan, National HIV/AIDS Strategy and Ending the HIV Epidemic Plans, all of which note that criminalization creates stigmatization and may actually make efforts to find and reach all people living with HIV and Hepatitis B much harder. These laws additionally have even greater impact against people of color, women, people who are engaged in sex work and are disproportionately enforced. Unfortunately, for absolutely no gain in security, Pennsylvania would be undercutting its own HIV prevention efforts.

We additionally are concerned that the bill:



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- Creates redundant criminal penalties. In reality, protections from assault and battery laws already protect law enforcement and all citizens from the potential harms this bill seeks to stem.
- Ignores established science. HIV is a manageable, treatable chronic disease and individuals with HIV who are able to maintain treatment, are able to lead long, full, healthy lives, essentially equivalent to people who are HIV negative. Hepatitis B can be managed and prevented. This bill creates fear and stigma around these conditions.
- Conflicts with guidance from medical and public health professionals. The American Academy and most other medical organizations strongly urge states to reform HIV criminalization laws by reducing and removing penalties and moving to a public health approach to ending HIV.
- Disregards national strategies to end HIV epidemic and viral hepatitis. Criminalizing HIV disincentivizes testing, which may lead to increased transmission.
- Increases stigma against vulnerable populations including BIPOC, LGBT and immigrants for whom these laws are often applied unevenly and unethically.
- Makes Pennsylvania an outlier. In fact, most states are repealing and removing their existing HIV criminalization laws.

As we further state in our statement, “As medical professionals, our members support policies that encourage individuals to learn their HIV status, participate in regular medical care, and take measures to protect others against the spread of the disease without punitive sanctions.” The Academy therefore urges you to oppose this bill.

Sincerely,



Bruce Packett
Executive Director

The American Academy of HIV Medicine is the nation's leading independent organization of healthcare professionals dedicated to providing excellence in HIV care and prevention. Our membership of practitioners and credentialed providers manage the health of the majority of people with and at risk for HIV in the United States. The Academy's mission is to ensure health care professionals have the resources needed to provide prevention, treatment and care for those living with or at risk for HIV and related conditions to achieve optimal health.

