



CITY OF PHILADELPHIA

DEPARTMENT OF PUBLIC HEALTH

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March 14, 2020

Re: House Bill 103

Dear Representative:

I am writing to you in strong opposition to House Bill 103. This bill would upgrade an offense to a felony of the third degree if a person were to intentionally expose a law enforcement officer with bodily fluids and that person had a communicable disease, including human immunodeficiency virus (HIV) or hepatitis B.

Although the bill intends to protect law enforcement officers from communicable diseases, HB 103 is not based on the science of HIV transmission and will do more harm than good. This bill would classify as felonies exposure to bodily fluids that pose negligible risk or no risk or of spreading HIV. Biting is considered negligible risk by the Centers for Disease Control and Prevention (CDC) for the transmission of HIV. Spitting, or throwing bodily fluids (including semen and saliva) have no risk of transmission of HIV. Furthermore, HIV is not passed on through the air, through droplets, or through contaminated surfaces and cannot penetrate intact human skin.

House Bill 103 falls into the category of HIV criminalization. HIV criminalization refers to laws that are used to criminalize the transmission of, or exposure to, HIV or those statutes that enhance sentencing as a result of a person's HIV status. When HIV is criminalized, persons at risk for HIV avoid being tested for and those who have HIV are afraid to seek medical care. When people living with HIV are not in care, they are not receiving the very treatment that prevents spread of HIV from them through injection drug use or sexual contact. HIV criminalization therefore hampers efforts to prevent the spread of HIV. The CDC recently stated in a commentary published in *Lancet* that "HIV criminalization laws and the misapplication of general statutes run counter to this effort [to end the HIV epidemic]. It is time to align

with science and consider reforming, rescinding, and revising the application of these laws for the sake of people with HIV and for the public's health.”. CDC is one of many legal, public health and medical organizations that oppose HIV criminalization (see attached list that includes the US Department of Justice).

I strongly urge you to vote in opposition on this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas Farley".

Thomas Farley, MD MPH
Commissioner