Bill to Repeal HIV Discrimination Reintroduced in Congress

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March 28, 2017

This week, Congress members Ileana Ros-Lehtinen (R–Fla.) and Barbara Lee (D-Calif.) reintroduced the REPEAL (Repeal Existing Policies that Encourage and Allow Legal) HIV Discrimination Act. Known as H.R. 1739, the bill has 28 initial cosponsors.

The bill would help update laws, policies and regulations so that they do not place a "unique or additional burden on individuals solely as a result of their HIV status, and [it] offers a step-by-step plan to work with states to modernize laws," according to a press release by Ros-Lehtinen.

As the HIV Justice Network has reported before, this bill has been introduced several times since its debut in 2011, usually gathering cosigners before dying in committee.

For a bill to become law, it must first be introduced by a legislator, after which it is referred to a committee and subcommittee for debate and marking up before it is considered and voted on by other lawmakers. Once a bill passes both the Senate and the House of Representatives, it is sent to the president to sign into law.

You can follow the progress of H.R. 1739 here.

"The fear and stigma surrounding HIV have led to a number of criminal statutes and penalties that do not improve public health," said Ros-Lehtinen in the press release. "Since the establishment of laws which unfairly penalize individuals living with HIV, we have made great medical advances that prove that antiretroviral therapy can reduce HIV transmission risk."

"HIV criminalization laws are based on bias, not science," added Lee. "Instead of making our communities healthier, these laws breed fear, discrimination, distrust, and hatred. Our laws should not perpetuate prejudice against anyone, particularly against those living with diseases like HIV. By passing this legislation, Congress would send a signal that discrimination and stigma have no place in our laws."

Today, 33 states and two U.S. territories have criminal statutes based on outdated information regarding HIV/AIDS, according to the press release.

In response to the bill’s reintroduction, Ken Rapkin, executive director of The Campbell Foundation, a Florida-based nonprofit organization that funds HIV and AIDS research, said: “Laws should be updated to avoid further stigmatizing of [people living with HIV] based on proven science. The current laws in most states discourage people at risk from getting tested for HIV. Those who transmit HIV with malicious intent to harm someone else can be prosecuted under existing assault statutes."

For related information in POZ, read “HIV: Prosecution or Prevention? HIV Is Not a Crime,” which is a chapter from the book The War on Sex. You can also click on #Criminalization.

Also this week, Ros-Lehtinen was honored with an Elizabeth Taylor Legislative Leadership Award at AIDSWatch 2017.

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