In California, Condoms Are No Longer Evidence of Sex Work

A new law ends the criminalization of condom possession and offers sex workers other protections.

August 2, 2019 By Caroline Tien

California Governor Gavin Newsom signed a law that helps ensure the health and safety of sex workers, reports The Sacramento Bee. Specifically, according to the law, a person who reports that he or she is the victim of a crime or a witness to a violent crime cannot be arrested for sex work. In addition, the possession of condoms is no longer admissible as evidence that a person is a sex worker.

Sex work remains illegal in California.

Senator Scott Wiener (D–San Francisco) wrote the bill, SB 233, which goes into effect January 2020. It was sponsored by a coalition of HIV advocacy groups and organizations supporting sex workers' rights, including the St. James Infirmary, a clinic and health center for sex workers. SB 233 is modeled on a policy adopted by the city and county of San Francisco in 2013.

"When a sex worker is scared to come forward and report a crime, the sex worker is less safe, and we are all less safe as a community," said Wiener in his office's press release about the law. "And carrying condoms to protect one's health should never be criminalized. I am grateful to my colleagues for acting to protect sex workers' health and safety."

"Simply put, treating condoms as evidence is unsafe," said Arneta Rogers, a reproductive justice and gender equity attorney for the American Civil Liberties Union of Northern California, in a press release praising the new law. "Sex workers deserve the right to safety and to control their working conditions. SB 233 is a commonsense policy change that supports the self-determination and the right of sex workers to protect themselves."

"As an African-American trans woman, I am so glad we have finally gotten rid of the harmful policy of collecting condoms as evidence because of the disproportionate and negative impact on sex workers and transgender people," said Toni Newman, the executive director of the St. James Infirmary, which has fought the state government for years on the issue.

The AIDS Healthcare Foundation (AHF) also praised the law. "[SB 233 is] a prudent piece of

legislation that will increase safety for sex workers, an often marginalized population frequently exposed to violence who may use condoms in their work to prevent certain health risks," said the foundation's president, Michael Weinstein, in an AHF press release. "By eliminating condoms as evidence of prostitution, these workers also may be less likely to contract STDs or become pregnant, so the bill should have an overall positive effect on public health as well."

The California District Attorneys Association and the California State Sheriffs' Association opposed the bill, according to The Sacramento Bee, stating that the law "protects the buyers of sex trafficking as well as the workers."

Wiener countered that the law is necessary because sex workers experience a high level of violence and crime while working and they use condoms to protect their health.

Click to read a collection of POZ articles about the intersection of sex workers and HIV. Of note is this article about related research studies: "Criminalizing Condoms Possession Puts Sex Workers at Risk."

© 2026 Smart + Strong All Rights Reserved.
http://beta.docker.poz.com/article/california-condoms-longer-evidence-sex-work