Conservative Lawmaker Pushes to Repeal Ohio's HIV Criminalization Laws

GOP Rep. Sara Carruthers seeks to repeal six HIV laws in Ohio before the end of her term.

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A Republican lawmaker is working to repeal several Ohio laws that criminalize HIV, arguing that they are "outdated" and "do not reflect our current understanding of HIV," according to NBC News.

State Representative Sara Carruthers (R–Hamilton) introduced House Bill 498 to repeal a state law that penalizes people with HIV who try to donate or sell blood. She also introduced House Bill 513 to repeal an additional five laws that have resulted in more than 200 HIV-related criminal prosecutions.

From 2014 to 2020, at least 214 Ohioans were charged under these laws, which can result in a second-degree felony conviction, a $15,000 fine and a two- to eight-year prison sentence. More than half of these cases charged defendants for exposing others to body fluids, such as spit, which cannot transmit HIV.

HIV criminalization refers to the use of unfair laws to target people who have HIV—notably, African-American, Latino and LGBTQ people and women—and to punish them because of their HIV status, not because of their actions. Under outdated laws, people with HIV can be sentenced to prison in cases where HIV was not transmitted and their only crime was allegedly not disclosing their status.

Many HIV laws were passed in the early days of the epidemic, when fear and lack of scientific knowledge about the virus reigned. Fast-forward four decades, and today we know, for instance, that people with HIV who take their meds and maintain an undetectable viral load do not transmit the virus sexually, a fact referred to as Undetectable Equals Untransmittable, or U=U.

It should be noted that repealing HIV laws does not mean that people can't be held accountable for intentionally transmitting HIV. Other laws may apply to the situation.

"It is crucial for Ohioans to recognize that HIV is not a crime, it is a health condition that requires that supportive network of health care professionals across the state dedicated to ending the HIV epidemic," Carruthers told NBC.

Her leadership in repealing outdated HIV crime laws surprised many advocates because she has previously supported several anti-LGBTQ bills, including one that would require parental notification for any LGBTQ content in school curriculum and ban LGBTQ content from kindergarten to third grade.

“Both HB 498 and 513 would remove stigmatizing and inaccurate language from several laws and would provide protections against non-consensual HIV testing and HIV information disclosure,” Carruthers said.

As of 2022, more than 25,500 Ohioans were living with HIV, according to Ohio’s Department of Health. What’s more, about 13,642 Ohioans took pre-exposure prophylaxis (PrEP) to prevent HIV. Prescribed for HIV-negative people at risk of transmission, PrEP is available as highly effective daily tablets and long-acting injectables.

As the sole sponsor on each bill, Carruthers, who lost her March primary and leaves office in a few weeks, is seeking another representative to continue advocating for the bills.

Her office said that HB 498 and 513 will have a first hearing in the Criminal Justice committee during the upcoming lame duck session—the period between November elections and the inauguration of officials in early 2025.

To learn more, click #HIV Criminalization. There, you’ll find headlines such as “Mpox, HIV and the Crime of Gay Sex,” “Tennessee Official Agrees to End Prosecution of Discriminatory HIV Crime Law” and “Nashville Agrees to Rewrite Policies Disqualifying HIV-Positive Police Candidates.”

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