“Profound Disappointment” at Pennsylvania’s Updated HIV Crime Law

UPDATE: Pennsylvania just passed a law to decriminalize being HIV positive, but AIDS activists say it harms another marginalized group.

August 1, 2026 By Eva Lorenz

UPDATE: As we reported earlier this week, Pennsylvania Governor Josh Shapiro signed Senate Bill 45 (SB45) into law on July 20. The legislation eliminates harsher legal penalties for people simply because they are HIV positive, referred to as HIV criminalization. The law was promoted as a victory for HIV activists.

But now several HIV organizations are speaking out against aspects of the law. They point out that it targets sex workers. What’s more, the HIV advocacy groups clarify that they were not consulted in drafting the Pennsylvania legislation.

A Facebook post by HIV activist Waheeda Shabazz-El and several advocacy groups begins by stating:

> The Pennsylvania HIV Justice Alliance goes on record expressing our profound disappointment with the passage of PA Senate Bill 45.
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> While the legislation modernizes portions of Pennsylvania’s criminal code related to HIV, it does so at the dangerously unacceptable expense of sex workers, who will face increased criminalization and harm under this law. Progress for one marginalized community should never come at the cost of another. Our celebration is tempered by the reality that this progress came at a devastating cost.

You can read the entire statement on Facebook:

In addition, an open letter was penned by CHLP (The Center for HIV Law and Policy), Positive Women’s Network–USA and the Sero Project. It reads in part:

> SB45 was ultimately an overhaul of the Pennsylvania criminal code pertaining to “prostitution.” It transfers most “prostitution” related offenses out of the “public indecency”

section and into the “human trafficking” section of the criminal code. It also reduces some criminal charges while increasing others.…

SB45 achieves important, positive outcomes. SB45 removed the HIV felony sentence for sex workers living with HIV. Previously, if a person living with HIV was convicted of “prostitution,” their penalty was upgraded to a felony simply because of their HIV status. It was HIV discrimination written into the Pennsylvania criminal code, and we are thrilled it was removed.…

SB45 shifts prosecutorial authority and conflates sex work and trafficking.…

SB45 increases penalties for “promoters” or “patronizers,” which can harm trafficking survivors or people in the sex trades.…

Our organizations have been involved in coalitions fighting HIV criminalization in Pennsylvania for years and we support, alongside others, the standalone HIV decriminalization bills, HB632 and SB647. SB45, however, is a substantially different piece of legislation. We were not included in the legislative process nor did any of our organizations endorse SB45. Some of our organizations have, nevertheless, been associated with the bill because of the HIV decriminalization components. SB45 has also been touted as a win for the HIV decriminalization movement in the Commonwealth and in the media. For all of these reasons, it is important to make our stance public: We believe a more nuanced perspective is needed.

To reiterate and celebrate: this bill achieves hard fought wins. People living with HIV and HIV advocates have worked for years to introduce legislation that would eliminate the HIV sentence enhancement from the Pennsylvania criminal code. In the past, we have worked alongside powerful HIV decriminalization coalitions and organizations in Pennsylvania, including the Pennsylvania HIV Justice Alliance, the AIDS Law Project, Positive Women’s Network-PA, Girl U Can Do It Inc., Philadelphia FIGHT and the Elizabeth Taylor AIDS Foundation. We celebrate this legacy and work.

We remain deeply concerned, however, about how SB45 will make it harder for sex workers and trafficking survivors to survive by further criminalizing their networks of support. SB45 adopts key features associated with the End Demand model of sex work criminalization. This approach focuses on criminalizing the purchase and promotion of sex work – the “demand” side of the sex trades. It frames all people in the sex trades as “victims”, denies bodily autonomy, and ignores that people can consensually choose to engage in sex work. Ultimately, it aims to end sex work itself by policing and criminalizing people who support or

pay sex workers and offers no economic alternative for sex workers. Research shows, however, criminalizing demand does not decrease demand. Instead it forces sex workers further into unsafe conditions, increasing sexual violence, exploitation, and decreasing access to support services.

Below is our original July 30 article about Governor Josh Shapiro's signing Senate Bill 45 into law and eliminating harsher penalties for people living with HIV:

On July 20, Pennsylvania Governor Josh Shapiro signed Senate Bill 45 (SB45) into law, eliminating felony charges for people arrested for prostitution while being HIV positive and removing HIV from the criminal code in the Commonwealth of Pennsylvania.

Before the signing of SB45, when charged with a crime in Pennsylvania, people living with HIV—especially sex workers—could face harsher penalties because of their HIV status. In Pennsylvania, prostitution is classified as a misdemeanor, but people living with HIV could be charged with a felony and face up to seven years in prison, even when HIV transmission is not possible.

"Living with HIV is not a crime, and HIV criminalization laws have been proven, time and again, not to work for the benefit of the community or in the service of justice," said Kathleen A. Brady, MD, director of the Philadelphia Department of Public Health's Division of HIV Health, in a press release. "In fact, such laws prevent public health agencies from responding effectively to the HIV epidemic by perpetuating stigma, racism, xenophobia, social and economic injustice—while reducing willingness for people to participate in HIV prevention, testing and care."

HIV criminalization refers to the use of unfair laws to target people who have HIV—notably, African-Americans, Latinos, 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.

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.

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.

In recent years, New Jersey modernized its HIV crime laws. And in 2021, Illinois became the second state to completely repeal its discriminatory HIV crime laws (California did so in 2017). Lawmakers in Louisiana, Missouri, Nevada and Virginia have also updated similar laws. For related articles, see "Breaking HIV Laws: A Roundup of Efforts to Decriminalize HIV," and "HIV Is Not a Crime Awareness Day 2026."

"Criminal penalties for living with HIV have never served an effective law enforcement purpose," Ronda Goldfein, executive director of the AIDS Law Project of Pennsylvania, told Pennsylvania Capital Star. "No credible research has ever linked penalties with reduction in HIV transmission."

"The signing of SB 45 is an important step toward ending outdated policies rooted in fear and stigma rather than science," said attorney Tito Valdes, director of LGBTQ+ Affairs for the City of Philadelphia, in a press release. "No one should face harsher treatment under the law because they are living with HIV. We applaud Governor Shapiro and the advocates who worked for years to make this change possible and remain committed to advancing policies that promote dignity, equity and public health for all Philadelphians."

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http://beta.docker.poz.com/article/hiv-positive-pennsylvania-longer-crime