



Outdated Laws

In a blog post titled “[Ending the HIV Epidemic Requires States to Modernize Outdated HIV Crime Laws](#),” HIV.gov offers six tips on using a new tool from the Centers for Disease Control and Prevention. Below is an edited excerpt.

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HIV Is Not a Crime Awareness Day was launched in 2022 by the Sero Project in collaboration with the Elizabeth Taylor AIDS Foundation and other grassroots organizers, bringing together communities, people with HIV, governments and other partners to stand in unity against the harm caused by laws that use a person’s HIV status in criminal prosecution. February 28 was chosen to bridge Black History Month, Women’s History Month and several other HIV awareness days.

Modernizing these laws is an essential element in ending the HIV epidemic. The National HIV/AIDS Strategy (2022–2025) recommends policies and priorities that can help end the HIV epidemic in the United States. Achieving the goals of this national strategy requires addressing stigma as well as structural barriers to HIV prevention and care. A key part of this effort is examining how laws and policies can inhibit positive change and exacerbate harm. The national strategy encourages reform of state HIV criminalization laws.

All state laws and practices should be informed by science, but in the case of HIV criminalization laws, most are not. In addition, the implementation of HIV criminalization laws is not associated with reduced HIV incidence. Modernizing outdated state laws and practices is necessary.

To help meet the National HIV/AIDS Strategy goals, the Centers for Disease Control and Prevention (CDC) released the HIV Criminalization Legal and Policy Assessment Tool in 2022. This tool can help decision-makers identify opportunities to strengthen legal and policy protections for people with HIV by aligning laws and policies with evidence--based best practices.

As a follow-up to the release of the assessment tool, ChangeLab Solutions, with the Minority HIV/AIDS Fund funding from the CDC, partnered with the Association of State and Territorial Health Officials and the Network for Public Health Law to deliver in-depth training on operationalizing the tool.

The trainings covered four topics in the tool: 1) legal research and analysis; 2) HIV data privacy; 3) HIV testing and surveillance; and 4) HIV criminalization. The goal of these trainings is to facilitate discussion and support participating states in identifying action steps to address stigma and structural barriers to HIV prevention and care.

Here are some tips to help other states interested in using the assessment tool to analyze their laws and take action on this important issue:

- Identify and engage key partners in your state, such as community members living with HIV, public health organizations, community-based organizations, health care professionals and physicians, law enforcement professionals and state prosecutors.
- Convene a team to lead the development of a state strategy and action plan.
- Raise awareness in meetings and convenings with key partners about the harmful effects of stigmatizing language and about the science of HIV transmission to address common misconceptions about HIV that may hinder the implementation of evidence-based laws and policies.
- Have multiple organizations jointly host meetings with key partners and audiences to demonstrate the importance of HIV decriminalization.
- Involve people with legal expertise to analyze a state's interpretation and application of laws affecting people living with HIV and develop a strategy to ensure that these laws are informed by science and promote health equity.
- Learn from other states that have recently reformed their laws.

By taking these approaches, states can improve the well-being of people with HIV and ensure that laws are equitable and just.