



People With HIV Have Been Arrested in Indiana for Donating Plasma

An HIV criminalization report on Indiana's donor laws found that because of screening protocols, the people posed no risk of transmission.

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Eighteen people living with [HIV](#) in [Indiana](#) were arrested between 2001 and 2019 for donating plasma, though, thanks to effective screening methods, none of them posed a risk of transmitting the virus, found a [new report](#) by the Williams Institute.

The Williams Institute is a research center focusing on law and public policy as they pertain to sexual orientation and gender identity; it is part of the University of California, Los Angeles School of Law.

[HIV criminalization](#) refers to the use of unfair laws to target people with HIV—notably [African-American](#), [Latinos](#), [LGBTQ](#) people, and [women](#)—and 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 Under outdated laws, people with HIV can be sentenced to prison in cases where HIV was not transmitted and their only crime was allegedly not disclosing their status.

For the Williams Institute's latest report, "[Enforcement of HIV Criminalization in Indiana: Donation Laws](#)," researchers analyzed data from Indiana courts on individuals arrested and prosecuted for an HIV-related donation crime in the state. This report is among the first to comprehensively analyze the enforcement of HIV criminal donation laws in a single U.S. state, according to a news release about the report.

Currently, Indiana has six laws criminalizing people living with HIV. The new report highlights the impact of the laws that criminalize the [donation of blood](#), plasma and semen for artificial insemination by someone with HIV.

Researchers analyzed data on the enforcement of these laws between 2001 and 2023. During that time, 18 people living with HIV were charged with 21 violations of the state's criminal donation law, all of which stemmed from an attempt to donate at a plasma center—in spite of the fact that it's been 40 years since the last reported case of HIV transmission from plasma donation.

The report also found that individuals living with HIV have been prosecuted under Indiana's HIV criminalization laws for acts that do not pose [HIV transmission risk](#).

Many HIV laws were passed in the early days of the epidemic, when fear and lack of scientific knowledge about the virus reigned. This is true of Indiana's HIV-related laws, which were established in 1988 and 1989, before effective and easily accessible testing and treatment for HIV was available.

Fast-forward 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.

Key findings from the report include:

- No cases involved attempts to donate whole blood or semen.
- No people were charged under the provision of the code penalizing actual HIV transmission.
- In total, 17 of the 18 people charged suffered from poverty and were assigned a public defender.
- More than four-fifths (89%) of people arrested were convicted of at least one HIV-related crime.

Demographic data revealed that:

- The range for age at time of arrest was between 20 and 58 years old; the average age at time of arrest was 33 years old.
- Men made up 72% of people arrested, while women made up 28%.
- Black people made up nearly eight in 10 (78%) of all people arrested. White people were the remainder (22%) of those arrested. However, Black people made up only 38% of people living with HIV in Indiana in 2021 and just 10% of the state's population. No other race/ethnicity group was represented among those arrested.

These criminalization laws could potentially undermine state efforts to work with and support

communities most impacted by the HIV epidemic. According to the report, the criminal law has not been enforced since 2019, which might suggest a decline in the use of Indiana's HIV-related donation crimes.

"Ending the HIV epidemic requires modernizing state HIV criminal laws to reflect what is known about HIV science today," said lead author Nathan Cisneros in the news release.

[Click here](#) to view the full report.

To read more, click [#HIV Criminalization](#). There, you'll find headlines such as "[Criminalized Lives](#)," "[Tennessee Official Agrees to End Prosecution of Discriminatory HIV Crime Law](#)" and "[Watch HIV.gov's Day 3 at #AIDS2024: HIV Crime Laws, AI and More](#)."

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