Significant Reform of HIV Exposure Law

Years of advocacy paved the way in Louisiana.

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Louisiana took a significant step toward ending HIV criminalization after Governor Jeff Landry signed House Bill 808 (HB808) into law on May 15, 2026. The legislation narrows the state's HIV exposure law by limiting prosecutions to conduct that poses a substantial likelihood of transmission and creates new protections for people living with HIV (PLHIV).

HB808 amends Louisiana's exposure law (La.R.S. 14:43.5). Introduced by Representative Wayne McMahen on February 27, 2026, the bill passed both chambers unanimously before being signed into law—a first for an HIV criminalization reform measure in the South. It went into effect on August 1, 2026.

The law limits prosecutions to conduct involving a "substantial likelihood of transmission," defined as contact involving blood, semen or vaginal fluid that presents a significant probability of HIV transmission. It also excludes conduct posing only a negligible, theoretical or medically unrecognized risk of HIV transmission.

HB808 further establishes an additional affirmative defense for PLHIV who disclose their status and maintain an undetectable viral load.

"These reforms represent an important step toward eliminating the threat of HIV criminalization, but decriminalization efforts in Louisiana will continue," said Sean McCormick, staff attorney at Center for HIV Law and Policy (CHLP). "CHLP will remain a steadfast partner in implementing these reforms and pushing for additional changes to punitive laws targeting PLHIV in Louisiana."

Prior to HB808, Louisiana's HIV exposure law—enacted in the early years of the HIV epidemic—was among the harshest in the country and did not account for actual transmission risk. As a result, PLHIV could face prosecution for conduct such as biting or spitting, despite posing a nonexistent or negligible risk of transmission. By incorporating current scientific understanding of HIV transmission, the new law better aligns state policy with medical evidence and helps prevent

prosecutions based on conduct that poses little to no risk of transmission.

The passage of HB808 represents years of grassroots advocacy and collaboration. CHLP's Positive Justice Project (PJP) has a long-standing relationship with the Louisiana Coalition on Criminalization and Health (LCCH), the group leading the state's decriminalization work. For nearly a decade, LCCH has worked to restrict the exposure law's reach through policy change and minimize its negative impact by educating decision-makers and community members.

Recent advocacy efforts included a 2023 study resolution (HR130) directing lawmakers to examine the public health impacts of HIV criminalization. That process produced both a 2024 task force report and a community-led study documenting the need for reform. In 2025, LCCH and other advocates successfully defeated HB76, a proposal that would have added criminal penalties for people living with other sexually transmitted infections. That campaign resulted in a house resolution and helped lay the groundwork for the reforms enacted through HB808.

Throughout this work, PJP provided legal and policy technical assistance to LCCH, including educational sessions for PLHIV on ways to reduce their likelihood of prosecution and training modules on effective decriminalization advocacy. Consistent with prior legislative sessions, in 2026, PJP drafted bill language, crafted summaries and talking points and strategized on emergent developments.

While HB808 significantly narrows the law's reach, HIV exposure remains criminalized in Louisiana. Advocates view the legislation as an important step toward full repeal and will continue working to eliminate laws that single out PLHIV for criminal penalties.

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