



“It’s Time to Modernize Our HIV Laws in Nevada”

Nevada’s HIV crime laws don’t take into account condoms, PrEP, U=U or even whether the virus was transmitted.

December 18, 2020 By [Trent Straube](#)

AIDS advocates have launched an effort to update HIV crime laws in Nevada. Specifically, a group called the NV HIV Modernization Coalition is zeroing in on repealing or amending four of 13 statutes that pertain to people with HIV, [reports Nevada Public Radio, KNPR](#).

Nevada is one of 32 states that continue to make it a crime for people living with HIV to engage in activities thought to be avenues for the transmission of HIV. This practice is known as HIV criminalization. It’s important to note that these HIV laws don’t take into account the actual risk of passing the virus to others—for example, whether a person uses a condom or has an undetectable viral load. The laws don’t even consider whether a person contracted HIV as a result of the alleged risky behavior.

"We have a lot of work to do to modernize our laws so that people living with HIV are faced with stigmas, and also so..."

Posted by [Silver State Equality](#) on [Wednesday, December 2, 2020](#)

“We want to ensure that, yes, true criminals who are intentionally, willingly and knowingly going around transmitting HIV are still getting convicted,” Stephan Page, cochair of the NV HIV Modernization Coalition told KNPR. “But we want to ensure that innocent people do not fall through the cracks and get wrongfully convicted.”

In 2019, Nevada Governor Steve Sisolak signed [bill SB 284](#), which created the Advisory Task Force on HIV Exposure Modernization. The bill required the task force to examine relevant regulations and other states' handling of HIV crime laws and submit its findings and recommendations.

As part of the task force's work, the Williams Institute, a research center that focuses on sexual orientation and gender identity laws including those involving HIV, is looking at whether HIV crime laws disproportionately affect minority populations and further stigmatize those living with HIV (their findings in other states have indeed found harmful effects).

André C. Wade, the state director for Silver State Equality and a member of the task force, penned an [article for the Las Vegas Spectrum](#) that outlines the importance of updated HIV crime laws and provides a history of the laws and how they got on the books in the first place.

“As it stands,” he writes, “our HIV criminal laws in Nevada are based on stigma and fear, rather than modern science. They don't take into account the fact that a person living with HIV today can take medication to reduce their viral load—the amount of virus present in their body—to an undetectable level, in which case there is no risk of transmission. [This fact is often referred to as Undetectable Equals Utransmittable, or U=U.] Our laws are even more out of step given medical advancements via medications taken by HIV-negative people to prevent transmission known as PrEP (pre-exposure prophylaxis) and PEP (post-exposure prophylaxis). It's time to modernize our HIV laws in Nevada.”

Other states have succeeded in similar efforts. For one example, see “[California Governor Signs Bill Modernizing HIV Crime Laws](#),” which details the fact that as of January 2018 it has been a misdemeanor, instead of a felony, to knowingly transmit HIV or expose a partner to the virus without disclosing.

For a basic understanding of HIV crime laws, see “[Criminalization 101](#)”; for a collection of POZ articles on this topic, click on the tag [#Criminalization](#).