Viral Loads and HIV Laws

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It's a proven fact that when people with HIV adhere to daily meds and maintain an undetectable viral load, they not only improve their own health but also lower their risk of transmitting the virus to virtually zero. That's the meaning of Treatment as Prevention (TasP) and the message behind the "U=U" campaign. But how does this knowledge relate to HIV criminalization, specifically to state advocates trying to reform and update laws related to HIV? For clarity, 10 organizations released the "Consensus Statement on HIV 'Treatment as Prevention' in Criminal Law Reform." They also launched HIVTaspCrimLaw.org to house the statement and relevant resources.

The statement begins: "The undersigned agree…that reliance on viral load or compliance with medical treatment as a basis to reform HIV criminal laws poses dangerous consequences for those who lack access to care. It also contradicts everyone's basic right to make health care decisions, including whether and when to get treatment, without running afoul of the criminal law.… As advocates, we should avoid the risk of using health status—most often determined by access to care—as a stand-in for determining guilt and criminal liability."

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