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ANA and Association of Nurses in AIDS Care Call for Repeal of HIV Criminalization Laws

SILVER SPRING, MD – As global communities mark Dec.1 as [World AIDS Day](#), the [American Nurses Association \(ANA\)](#) and the [Association of Nurses in AIDS Care \(ANAC\)](#) are calling for the elimination of outdated HIV criminalization laws in a new position statement.

“It’s clearly time to repeal laws that unfairly punish people living with HIV,” said ANA President Pamela F. Cipriano, PhD, RN, NEA-BC, FAAN. “HIV is a treatable medical condition and laws need to reflect advances in our understanding of the disease, its treatment and transmission risk.”

The [ANAC position statement](#), endorsed by ANA, describes HIV criminalization as the use of criminal law to arrest and penalize HIV-positive people for perceived or potential HIV exposure or transmission through consensual sexual contact and where nondisclosure of their HIV-positive status is alleged. More than 30 states in the U.S. have legislation that criminalizes HIV exposure without transmission; a significant number of these laws include exposures that are now known to pose no risk of transmission, such as spitting.

Most of these laws were adopted decades ago, in an era of limited understanding of HIV and in an environment of fear and discrimination.

“This is why the Association of Nurses in AIDS Care has called for the reform and/or repeal of unjust and harmful HIV criminalization statutes. Nurses know from our ethical code that singling out HIV status or any other diagnosis or disability as criteria for criminal charges is

unjust and contrary to evidence-based public health approaches,” said ANAC Executive Director Kimberly Carbaugh.

The ANAC position statement also outlines how criminalization can hinder HIV prevention, care and treatment. For example, outdated laws that sanction HIV discrimination cause and support stigma. People with HIV may internalize the judgment and misperception of HIV as highly infectious and fear getting tested, disclosing their status, or even accessing health care due to internalized stigma.

There is a growing consensus about the need to reform HIV-specific laws. The Centers for Disease Control and Prevention (CDC), the U.S. Department of Justice and the National HIV/AIDS Strategy have all called for a review and modernization of HIV-specific criminal statutes to ensure they are consistent with current knowledge of HIV transmission and to support public health approaches to preventing and treating HIV.

ANA and ANAC support the following actions:

- Reform of all state and federal policies, laws, regulations and statutes to ensure that they are based on scientifically accurate information regarding HIV transmission routes and risk.
- Repeal of punitive laws that single out HIV infection or any other communicable disease and that include inappropriate or enhanced penalties for alleged nondisclosure, exposure and transmission.
- Education about the negative clinical and public health consequences of current HIV criminalization statutes, arrests and prosecutions and their contribution to HIV-related stigma and discrimination.

Additionally, ANA and ANAC encourage nurses to support the [Repeal Existing Policies that Encourage and Allow Legal HIV Discrimination Act of 2015](#) or the [REPEAL HIV Discrimination Act](#). Sponsored by Rep. Barbara Lee (D-CA), the bill requires a review of laws by federal, state and local stakeholders that impose criminal liability on people with HIV. The bill also provides states with guidance on best practices for revising HIV criminalization laws.

For more information, visit www.nursesinaidscare.org.

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The American Nurses Association (ANA) is the premier organization representing the interests of the nation's 3.4 million registered nurses. ANA advances the nursing profession by fostering high standards of nursing practice, promoting a safe and ethical work environment, bolstering the health and wellness of nurses, and advocating on health care issues that affect nurses and the public. ANA is at the forefront of improving the quality of health care for all.

The Association of Nurses in AIDS Care (ANAC) is the leading nursing organization responding to HIV/AIDS. Since its founding in 1987, ANAC has been meeting the needs of nurses in HIV/AIDS care, research, prevention and policy. ANAC is made up of more than 40 chapters located around the world. It comprises a dedicated group of nurses, healthcare professionals and others from around the world who are committed to HIV/AIDS nursing.