**OHIO STATE MEDICAL ASSOCIATION HOUSE OF DELEGATES**

**Resolution No. 12 – 2020**

**Introduced by:** OSMA Medical Student Section

**Subject:** Improving Preventive Medicine through the Decriminalization of

HIV Status

**Referred to:** Resolutions Committee No. 1

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**WHEREAS** In 2018, 24,130 people live with Human Immunodeficiency Virus (HIV) in Ohio, 989 of whom were newly diagnosed1; and

**WHEREAS** The state of Ohio prioritizes reducing opioid drug abuse and dependency in the 2017-2019 State Health Improvement Plan2, which has been an increasing cause of HIV infection since 20141; and

**WHEREAS** On a national scale, 40% of new HIV diagnoses are due to transmission from people unaware of their HIV status3; and

**WHEREAS** The cost of care for a person with uncontrolled HIV is $4,700 a month versus someone with controlled HIV is $2,0006; and

**WHEREAS** The Ohio Revised Code Section 2093.11 Division (B)(1)) designates sexual conduct with someone without disclosing HIV-positive status as a felonious assault7; and

**WHEREAS** Section 2093.11 Division (B)(1) makes no exception for the use of protection, which when used consistently, prevents HIV transmission in 90-95% of instances8; and

**WHEREAS**, Section 2093.11 Division (B)(1) was written before the development of antiretroviral medications that allow undetectable levels of the HIV virus to be untransmittable4,12; and

**WHEREAS** The criminal justice system in Ohio is the 4th largest prosecutor of HIV-specific crimes across the United States, convicting 59 people over 2003 to 2013 with failure to disclose HIV status9; and

**WHEREAS** There is little evidence to suggest HIV-specific criminal laws decrease transmission of HIV and may even deter individuals from getting tested for HIV, posing a serious threat to public health initiatives and preventive medicine in the state of Ohio10,12; and

**WHEREAS** Individuals who learn of their HIV diagnosis and start antiretroviral therapy early are most likely to lower their viral load and reduce their chance of transmitting HIV5; and

**WHEREAS** After passing a bill in 2014 that decriminalizes HIV status13, the state of Iowa had a record low number of “late testers” (people who receive their AIDS diagnosis within 3 months of their HIV diagnosis) in 201814; and

**WHEREAS** In June 2019, the American Medical Association adopted policy H-20.914 that advocates for the “repeal of legislation that criminalizes non-disclosure of Human Immunodeficiency Virus (HIV) status for people living with HIV”11; **therefore be it**

**RESOLVED**, That the OSMA reaffirm Policy 41 – 1996 (More Routine HIV Testing) which recommends more routine HIV testing; and, **be it further**

**RESOLVED,** The OSMA advocates for repeal of Ohio state legislation that criminalizes non-disclosure of HIV status; and, **be it further**

**RESOLVED,** The OSMA opposes any Ohio state legislation that discriminates based on an individual’s HIV status.

**Fiscal Note:** $ 50,000+ (Sponsor)

 $ 50,000 (Staff)

Sources:

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3. *HIV Testing | HIV/AIDS | CDC*. (n.d.). Retrieved January 15, 2020, from<https://www.cdc.gov/hiv/testing/index.html>
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10. Lee, S. G. (2014). Criminal law and HIV testing: Empirical analysis of how at-risk individuals respond to the law. *Yale Journal of Health Policy, Law, and Ethics*, *14*(1), 194–238.
11. *H-20.914 Discrimination and Criminalization Based on HIV Seropo | AMA*. (n.d.). Retrieved January 15, 2020, from [https://policysearch.ama-assn.org/policyfinder/detail/HIV%2520law?uri=%252FAMADoc%252FHOD.xml-0-1254.xml](https://policysearch.ama-assn.org/policyfinder/detail/HIV%252520law?uri=%25252FAMADoc%25252FHOD.xml-0-1254.xml)
12. Lehman, J. S., Carr, M. H., Nichol, A. J., Ruisanchez, A., Knight, D. W., Langford, A. E., Gray, S. C., & Mermin, J. H. (2014). Prevalence and Public Health Implications of State Laws that Criminalize Potential HIV Exposure in the United States. *AIDS and Behavior*, *18*(6), 997–1006.<https://doi.org/10.1007/s10461-014-0724-0>
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14. Iowa Department of Public Health. Bureau of HIV, STD, and Hepatitis. *2018 End of Year Report: HIV Surveillance.* Des Moines: Iowa Dept. of Public Health, 2019. <https://idph.iowa.gov/hivstdhep/hiv/data>.