

# CUYAHOGA COUNTY

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# BOARD OF HEALTH

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## **HIV criminalization laws are major barriers to Ending the HIV Epidemic in Cuyahoga County & Ohio**

### **THE ISSUE**

**Current HIV criminalization laws are harmful to public health efforts to eliminate HIV.** Many of these laws do not reflect the latest scientific developments regarding prevention and transmission.<sup>1</sup>

Criminalization laws also **perpetuate stigma and discrimination** against People Living with HIV (PLWH), even if no transmission occurred or if there was no possibility of transmission. For example, in cases involving spitting or when someone has an undetectable viral load.<sup>1,2</sup>

Stigma and discrimination **discourage people from being tested and receiving care services**, which are both critical for diagnosing, treating, and preventing HIV.<sup>2</sup>

### **THE BACKGROUND**

In response to a 2014 joint publication from the Centers for Disease Control (CDC) and U.S. Department of Justice about reforming HIV-specific laws to align with science, at least 12 states modernized or repealed their HIV criminal laws: California, Colorado, Georgia, Illinois, Iowa, Michigan, Missouri, Nevada, New Jersey, North Carolina, Virginia, and Washington.<sup>15</sup>

Changes included requiring intent to transmit, actual HIV transmission, or providing defenses for taking measures to prevent transmission such as viral suppression, condom use, and partner (pre-exposure prophylaxis (PrEP) use.<sup>15</sup>

None of these best practices are represented in current HIV criminalization laws in Ohio.<sup>4,5</sup>

**Additionally, the HIV criminalization laws in Ohio undermine core ethical principles of public health, including justice (i.e., fair and equitable treatment) and non-maleficence (i.e., do no harm).<sup>13</sup>**

### **THE EFFECTS ON OHIO'S BLACK POPULATION**

**Approximately 13% of Ohio's population is Black, yet 46% of those arrested statewide in HIV-related incidents are Black.<sup>7</sup>**

**Black men, the group most impacted by HIV, are 6% of the state's population, yet they make up 31% of those convicted for HIV-related offenses.<sup>7</sup>**

In addition to perpetuating HIV stigma and discrimination, HIV criminalization laws in Ohio continue to drive the prison industrial complex and overrepresentation of Black people in the penal system.

Given what we know about the devastating impacts (e.g., increased poverty, poor mental health) of over-policing and high rates of incarceration in Black communities, **HIV criminalization laws serve to further destabilize Black communities and place them at even greater risk for HIV.<sup>8-10</sup>**

## THE LOCAL VIEW

In 2020, the Cuyahoga County Board of Health (CCBH) received funding to End the HIV Epidemic (EHE) from the Health Resources and Services Administration and the Ohio Department of Health via the Centers for Disease Control and Prevention (CDC).<sup>3</sup>

We accepted this responsibility because we have the medical tools [e.g., PrEP, antiretroviral therapies] necessary to prevent HIV transmission and effectively treat and manage most HIV infections.

However, to meet the goals set for Cuyahoga County, structural factors, like laws and policies, must be changed, with input from community stakeholders, to allow us to connect more people to HIV prevention and care services.

***Based on the high rates of HIV transmission in Cuyahoga and other EHE counties in Ohio, we know that these outdated laws and policies are not effective interventions for eliminating HIV transmission.***<sup>6</sup>

## BEST PRACTICES

To fully address the structural barriers to HIV prevention and care, the CDC suggests that current scientific and medical evidence be utilized to inform and review criminalization laws.<sup>1</sup>

The National Association of County and City Health Officials (NACCHO) also encourages local, state, and federal governments to demonstrate political will and leadership in opposing stigmatizing and punitive measures against persons with communicable diseases like HIV.<sup>11</sup>

## WHAT NEEDS TO BE DONE

***Cuyahoga County and Ohio must be leaders in the fight to eliminate HIV from our communities while still protecting the public's health and safety.***

CCBH fully supports the CDC, United States Department of Justice, NACCHO and the federal government's recommendation that state legislatures revise HIV-specific statutes to ensure that they are reflective of the most current knowledge about the prevention and transmission of HIV. These changes are critical to advancing EHE efforts in Cuyahoga County and Ohio.<sup>1,11,12,14</sup>

## REFERENCES

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