Caracon Symposium 2025

The Fight Isn’t Over

October 13–17

caracole

caracole

We are Greater Cincinnati's HIV nonprofit devoted to positively changing lives in the fight against HIV through:

Prevention

Promoting health and well-being in at-risk communities through evidence-based approaches to prevent disease and reduce the spread of HIV

Housing

Offering a variety of permanent housing support to prevent homelessness and to stabilize individuals living with HIV and their families

Care

Helping individuals living with HIV access the health care they need through medical case management and pharmacy services

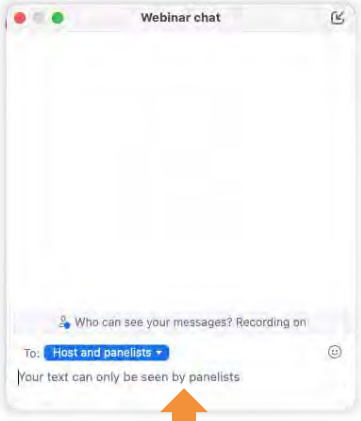
Learn more: caracole.org

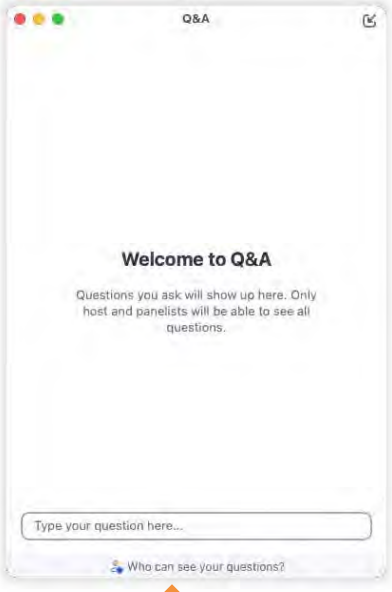
AETC AIDS Education & Training Center Program Midwest

Caracon Symposium 2025

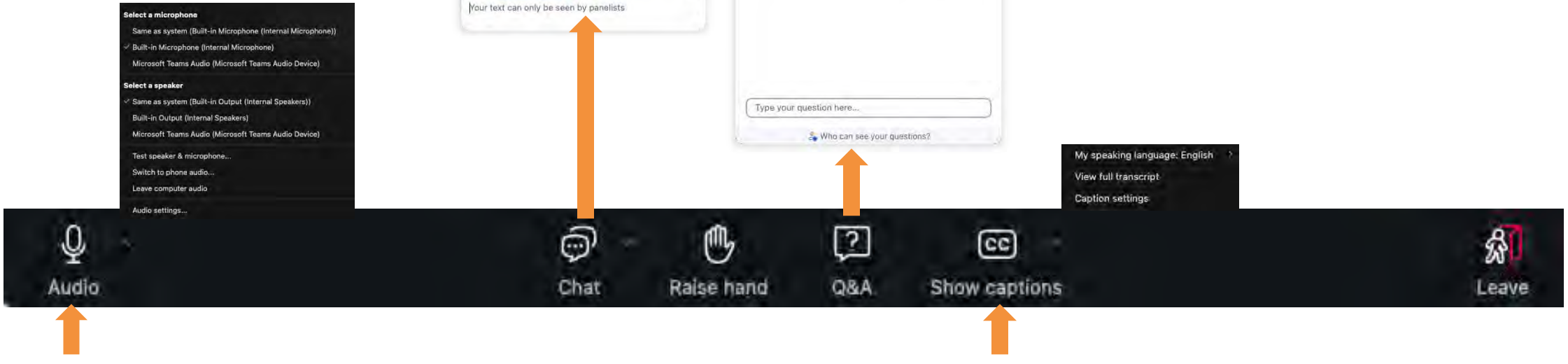
How to Use Zoom Webinar

Use Chat to converse with everyone on the webinar and for tech issue questions.





Use Q&A specifically for questions about the content. You may upvote questions from others. You may submit anonymously.



Audio Settings

Caption Settings

caracole

Caracon Symposium 2025

Special thanks to our presenting partners:

matec

MIDWEST AIDS TRAINING + EDUCATION CENTER

HAMILTON COUNTY

PUBLIC HEALTH

caracole

Caracon Symposium 2025

Special thanks to our sponsor:

GILEAD

caracole

Caracon Symposium 2025

Special thanks to our exhibitor:

caracole

Caracon Symposium 2025

Special thanks to our exhibitor:

ViiV Healthcare

caracole

Evaluations and Credits

Evaluations recommended for all attendees

Required for CECs

- Link in today's chat and as a post-webinar pop-up
- Must be completed by end of business day (5:00 PM ET) today

caracole

Caracon Symposium 2025
Monday, October 13

Divestment and Criminalization

Presenter: Sean McCormick

caracole

Caracon Symposium 2025
October 13, 2025

CHLP20
CELEBRATING 20 YEARS IN 2025

Divestment and Criminalization

Attacks on people living with and deeply impacted by HIV

Today's presenter

Sean McCormick (he/him)
Staff Attorney, CHLP
sean@hivlawandpolicy.org

The Center for HIV Law and Policy

CHLP is an abolitionist legal and policy organization fighting to end stigma, discrimination, and violence at the intersection of HIV, race, health status, disability, class, sexuality and gender identity and expression, with a focus on criminal and public health systems.

In 2025, CHLP is celebrating 20 years of advocacy, innovation, and unwavering commitment to HIV justice.

CHLP
Making Positive Justice Possible

PositiveJusticeProject

Scan the QR to sign up for the PJP email list.
For more info about our HIV decriminalization work, email us at pjp@hivlawandpolicy.org

The Positive Justice Project (PJP)

Guiding Principles

The work of PJP is motivated by three core beliefs:

- Laws that criminalize people's health conditions, as well as rob people of their bodily autonomy, must be eliminated.
- Local people living with HIV have the knowledge and experience that is essential for efforts to decriminalize HIV and other health conditions.
- Criminalization has no place in public health. We must meet public health issues with effective public health solutions.

Today's presentation

- Review federal and state attacks on health, especially the health of PLHIV
    - Underscore the role of criminalization within the administration's onslaught.
- Explore the scope and harms of HIV criminalization, especially on the health of Black and brown, LGBTQ+, and working class people.
- Document continued progress to resist and end the criminalization of people living with HIV.
    - Emphasize key takeaways for resistance that centers and addresses the needs of communities most impacted.

Ongoing attacks on health services

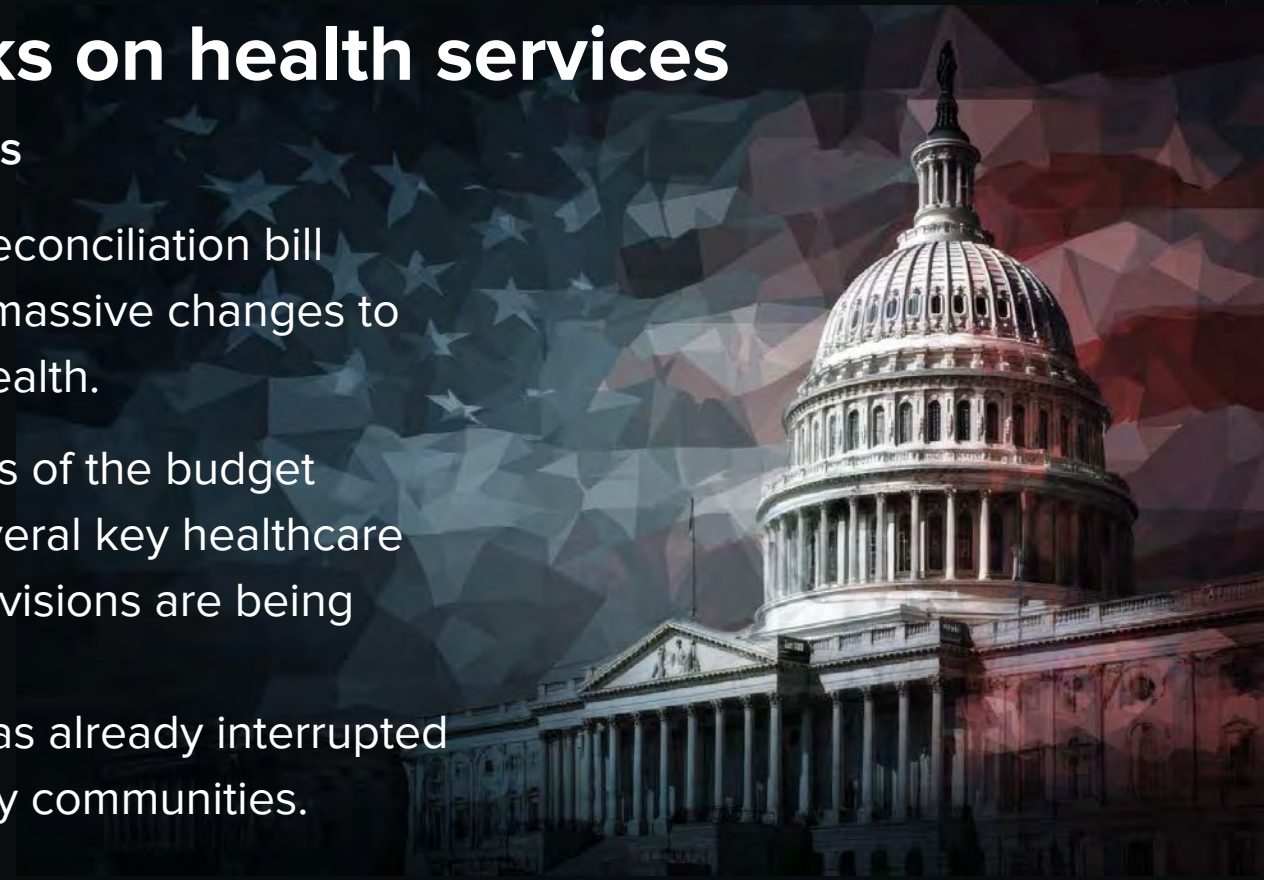
Administrative actions

- Administrative actions have attempted to defund healthcare and public health services and research, especially efforts focused on Black, brown, LGBTQ+, and working class people impacted by HIV and other systemic challenges.
- The administration has dramatically restructured agencies and targeted government employees charged with overseeing critical federal work.

Ongoing attacks on health services

Pending and enacted laws

- The passage of the reconciliation bill (OBBA) will provoke massive changes to systems that affect health.
- Although the specifics of the budget remain uncertain, several key healthcare and public health provisions are being negotiated.
    - The shutdown has already interrupted services for many communities.



Increased criminalization

Criminalizing care

- Beyond defunding health services for communities marginalized from healthcare and public health systems, the administration has moved to criminalize care.
    - Enforcement of criminal laws targeting abortion care remains prevalent.
    - Gender affirming care is increasingly criminalized.
- Multiple executive orders have sought to intimidate and control law firms, nonprofits, and other organizations.

Further escalation of carceral tactics

Criminalizing people to address public health challenges

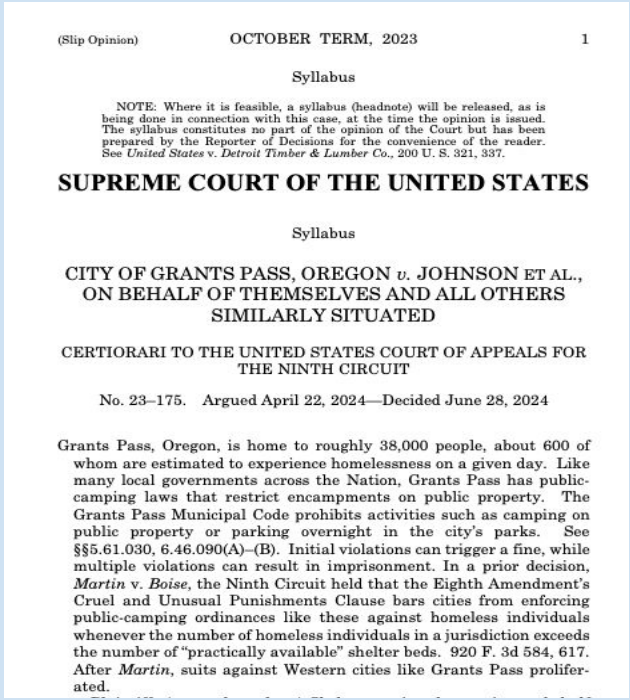
PRESIDENTIAL ACTIONS

ENDING CRIME AND DISORDER ON AMERICA'S STREETS

Executive Orders | July 24, 2025

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose and Policy. Endemic vagrancy, disorderly behavior, sudden confrontations, and violent attacks have made our cities unsafe. The number of individuals living on the streets in the United States on a single night during the last year of the previous administration — 274,224 — was the highest ever recorded. The overwhelming majority of these individuals are addicted to drugs, have a mental health condition, or both. Nearly two-thirds of homeless individuals report having regularly used hard drugs like



(Slip Opinion) OCTOBER TERM, 2023 1

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

CITY OF GRANTS PASS, OREGON *v.* JOHNSON ET AL., ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

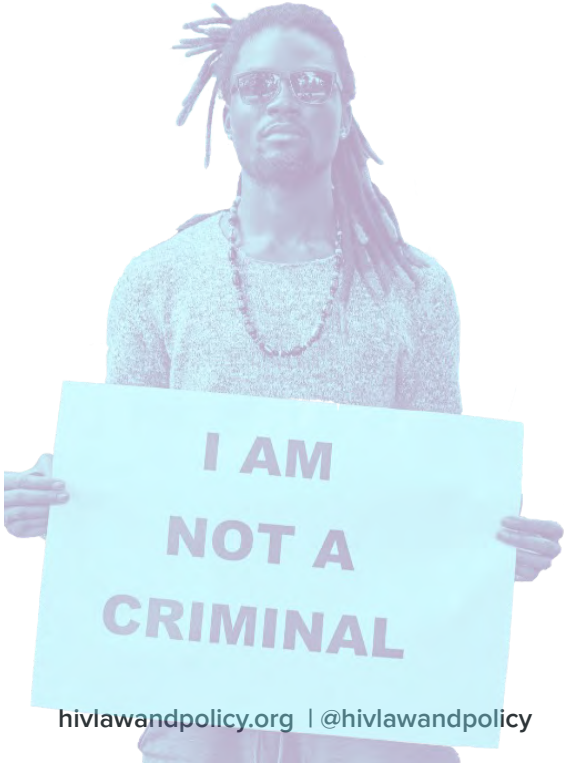
No. 23–175. Argued April 22, 2024—Decided June 28, 2024

Grants Pass, Oregon, is home to roughly 38,000 people, about 600 of whom are estimated to experience homelessness on a given day. Like many local governments across the Nation, Grants Pass has public-camping laws that restrict encampments on public property. The Grants Pass Municipal Code prohibits activities such as camping on public property or parking overnight in the city's parks. See §§5.61.030, 6.46.090(A)–(B). Initial violations can trigger a fine, while multiple violations can result in imprisonment. In a prior decision, *Martin* v. *Boise*, the Ninth Circuit held that the Eighth Amendment's Cruel and Unusual Punishments Clause bars cities from enforcing public-camping ordinances like these against homeless individuals whenever the number of homeless individuals in a jurisdiction exceeds the number of "practically available" shelter beds. 920 F. 3d 584, 617. After *Martin*, suits against Western cities like Grants Pass proliferated.

Policing and criminalization

Increased policing

- Law enforcement has been used more and more to intimidate, stigmatize, surveil, detain, and isolate Black, brown, immigrant, and transgender communities.
    - Troops patrolling cities.
    - ICE infiltrating health and other systems.
- The administration has called into question the enforcement of non-discrimination laws and consent decrees.



Criminalization is not only a primary tool to suppress dissent, silence opposition, and enforce policies that consolidate and enforce power — it is at the core of how right-wing, authoritarian and fascist agendas, movements, and regimes are enacted, legitimized, and entrenched."

– INTERRUPTING CRIMINALIZATION

What is HIV criminalization?

HIV criminalization refers to laws, policies, and practices that result in increased criminal penalties for people diagnosed with HIV for conduct that is either legal or less severely punished for people not diagnosed with HIV.

HIV criminalization is a product of stigmatizing, discriminatory, and inaccurate views about HIV and people deeply impacted by HIV.

HIV-specific

A law is “HIV-specific” when it solely names HIV or uses an expansive definition of “communicable disease” that includes HIV because it imposes criminal penalties or heightened criminal penalties on the behavior of an individual by explicitly singling them out based on their positive status.

Offense vs. enhancement

- An **offense** is a law that imposes criminal penalties on people for engaging in certain behavior.
- An **enhancement** is a law that imposes harsher criminal penalties for engaging in activities that are already criminalized.

Different HIV-specific criminalization offenses

Exposure, transmission, and non-disclosure offenses

- An **exposure law** imposes criminal penalties on PLHIV for engaging in specific behaviors that purportedly create the possibility of HIV transmission, such as having sex or sharing syringes or, more broadly, “expos[ing] another to HIV through any means or contact.”
- A **transmission law** imposes criminal penalties for the “transmission” of HIV from one person to another.
- A **non-disclosure law** imposes criminal penalties on PLHIV for “non-disclosure” of HIV status to their sexual, drug use, or other partners.

What are the common features of these laws?

- Most laws don’t require:
  - Proof of HIV transmission.
  - Engagement in behavior that poses a risk of transmission.
  - Intent to harm.
- Proof of disclosure is often the only defense
- Severe and disproportionate punishment is common.

What does HIV criminalization look like in Ohio?

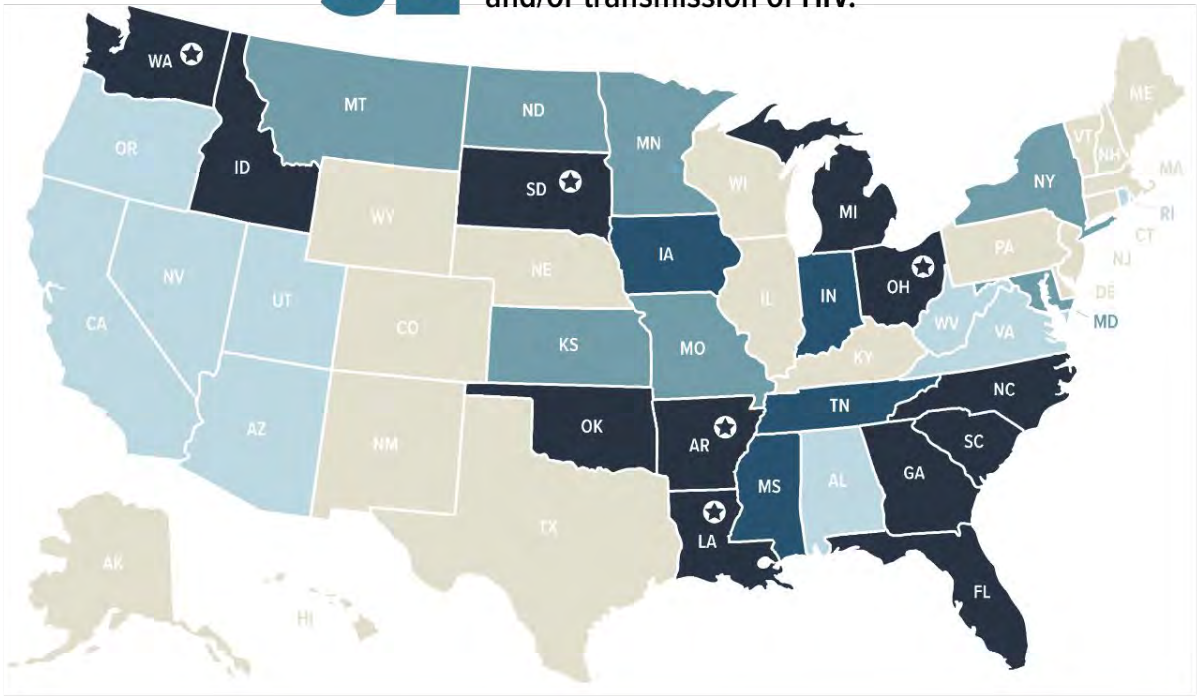
- Ohio has laws that specifically target people living with HIV:
  - Three enhancements targeting people living with HIV and engaging in sex work.
  - An enhancement targeting incarcerated people living with HIV and accused of assault by bodily fluid.
  - An offense criminalizing PLHIV who have sex.
    - People convicted are required to register on the sex offense registry.
  - An offense criminalizing PLHIV who donate or sell blood or blood products.
- Prosecution may occur under general criminal laws.
- HIV test results may also be involuntarily disclosed.

CHLP
Making Positive Justice Possible

Mapping HIV Criminalization Laws in the U.S.

EXPOSURE AND TRANSMISSION OFFENSES

32 STATES have offenses that criminalize exposure to and/or transmission of HIV.



SCALE OF HIV SPECIFICITY

12 STATES HIV is specifically named in the law and no other disease is listed.

4 STATES HIV is specifically named in the law alongside other diseases.

7 STATES **Communicable disease*** is named in the law and the statutory, administrative, or case law **definition of communicable disease specifically names HIV**.

9 STATES **Communicable disease*** is named in the law and the statutory, administrative, or case law definition of communicable diseases **does not specifically name HIV but the definition is broad enough to include HIV**.

5 STATES may require registration on a Sex Offense Registry (SOR) as part of the punishment for a conviction under HIV-specific laws.

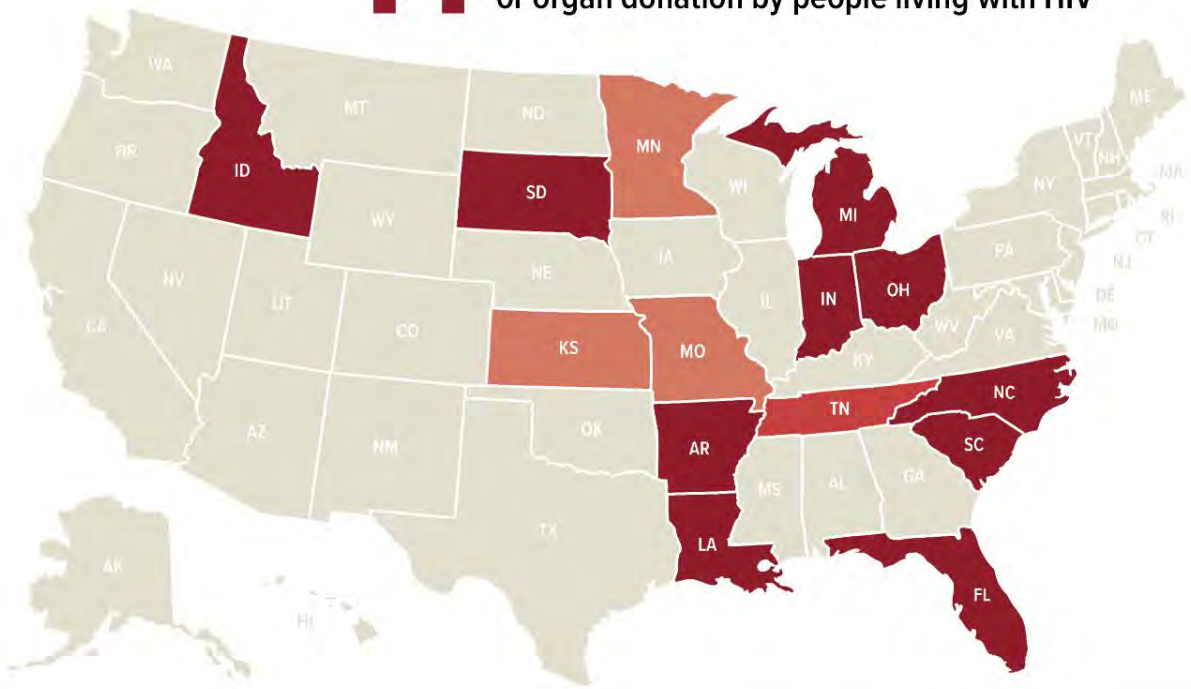
Updated September 2025. Laws change frequently and this map is only accurate to the best of our knowledge. It is not a substitute for legal advice.
©2025 CHLP. We encourage the broad use of our HIV criminalization maps and ask that you do not alter or modify the maps in any way.

CHLP
Making Positive Justice Possible

Mapping HIV Criminalization Laws in the U.S.

DONATION ENHANCEMENTS

14 STATES have laws that criminalize blood product or organ donation by people living with HIV



SCALE OF HIV SPECIFICITY

10 STATES — HIV is specifically named in the law and no other disease is listed.

1 STATE — HIV is specifically named in the law alongside other diseases.

3 STATES — Communicable disease* is named in the law and the statutory, administrative, or case law **definition of communicable disease specifically names HIV**.

0 STATES — Communicable disease* is named in the law and the statutory, administrative, or case law definition of communicable diseases **does not specifically name HIV but the definition is broad enough to include HIV**.

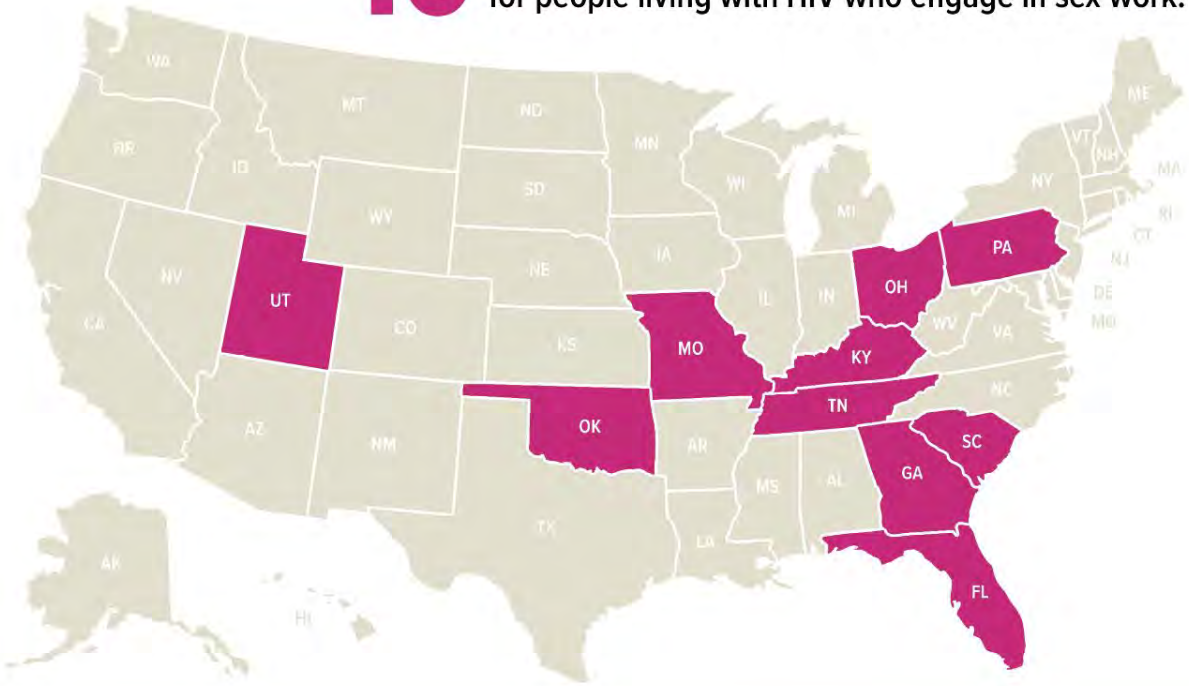
Updated September 2025. Laws change frequently and this map is only accurate to the best of our knowledge. It is not a substitute for legal advice.
©2025 CHLP. We encourage the broad use of our HIV criminalization maps and ask that you do not alter or modify the maps in any way.

CHLP
Making Positive Justice Possible

Mapping HIV Criminalization Laws in the U.S.

SEX WORK PENALTY ENHANCEMENTS

10 STATES have HIV-specific penalty enhancements for people living with HIV who engage in sex work.



SCALE OF HIV SPECIFICITY

10 STATES HIV is specifically named in the law and no other disease is listed.

0 STATES HIV is specifically named in the law alongside other diseases.

0 STATES Communicable disease* is named in the law and the statutory, administrative, or case law **definition of communicable disease specifically names HIV**.

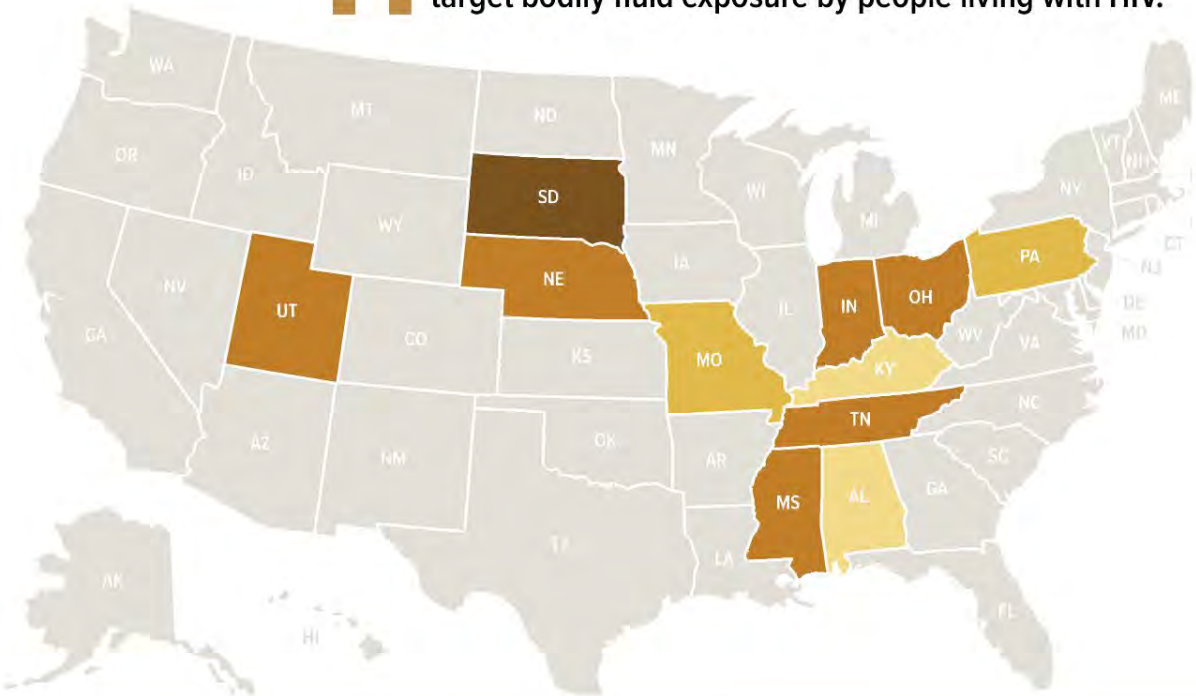
0 STATES Communicable disease* is named in the law and the statutory, administrative, or case law definition of communicable diseases **does not specifically name HIV but the definition is broad enough to include HIV**.

Updated September 2025. Laws change frequently and this map is only accurate to the best of our knowledge. It is not a substitute for legal advice.
©2025 CHLP. We encourage the broad use of our HIV criminalization maps and ask that you do not alter or modify the maps in any way.

Mapping HIV Criminalization Laws in the U.S.

BODILY FLUID PENALTY ENHANCEMENTS

11 STATES have HIV-specific penalty enhancements that target bodily fluid exposure by people living with HIV.



SCALE OF HIV SPECIFICITY

1 STATE — HIV is specifically named in the law and no other disease is listed.

6 STATES — HIV is specifically named in the law alongside other diseases.

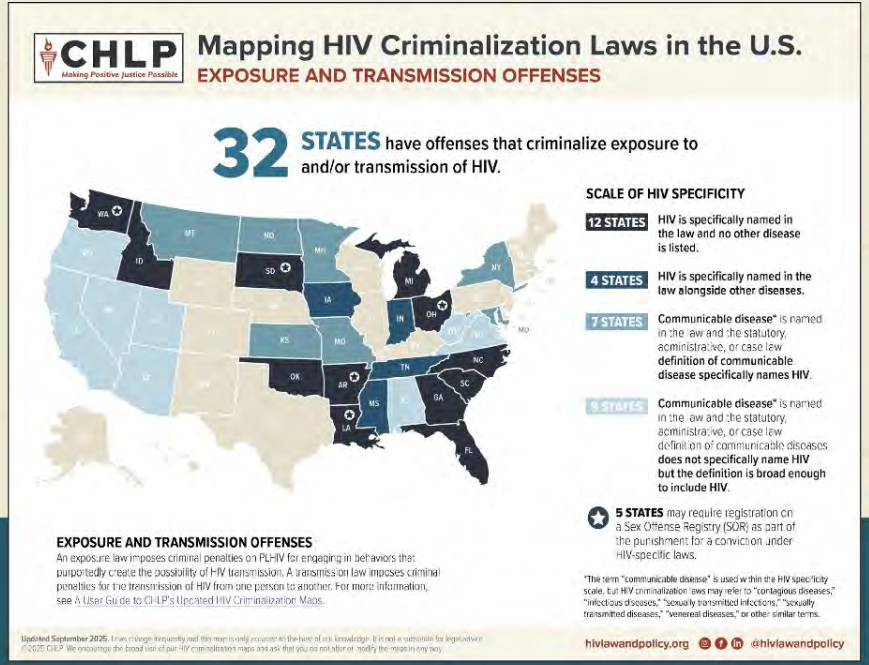
2 STATES — Communicable disease* is named in the law and the statutory, administrative, or case law **definition of communicable disease specifically names HIV**.

2 STATES — Communicable disease* is named in the law and the statutory, administrative, or case law definition of communicable diseases **does not specifically name HIV but the definition is broad enough to include HIV**.

Updated September 2025. Laws change frequently and this map is only accurate to the best of our knowledge. It is not a substitute for legal advice.
©2025 CHLP. We encourage the broad use of our HIV criminalization maps and ask that you do not alter or modify the maps in any way.

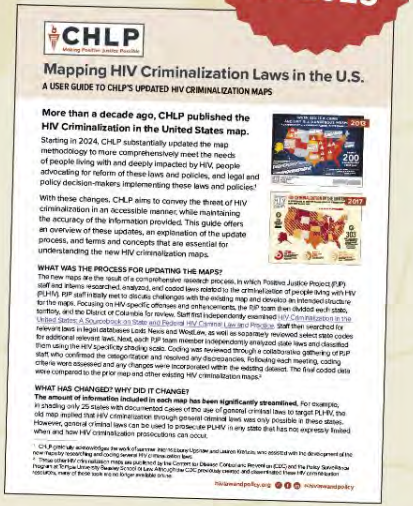
Mapping HIV Criminalization Laws in the U.S.

Newly updated for 2025



CHLP's newly updated HIV criminalization maps present a fresh look at the threat to our communities posed by laws that criminalize HIV.

New User Guide offers an overview of the updates, an explanation of the process, and highlights terms and concepts that are essential for understanding the new maps.


CHLP
Mapping HIV Criminalization Laws in the U.S.
A USER GUIDE TO CHLP'S UPDATED HIV CRIMINALIZATION MAPS
More than a decade ago, CHLP published the HIV Criminalization in the United States map.
Starting in 2024, CHLP substantially updated the map methodology to more comprehensively meet the needs of people living with and deeply impacted by HIV, people advocating for reform of these laws and policies, and legal and policy decision-makers implementing these laws and policies.
With these changes, CHLP aims to convey the threat of HIV criminalization in an accessible manner, while maintaining the accuracy of the information provided. This guide offers an overview of these updates, an explanation of the update process, and terms and concepts that are essential for understanding the new HIV criminalization maps.
WHAT WAS THE PROCESS FOR UPDATING THE MAPS?
WHAT HAS CHANGED? WHY DID IT CHANGE?
hivlawandpolicy.org

Scan the QR code or visit hivlawandpolicy.org/maps

CHLP
Making Positive Justice Possible

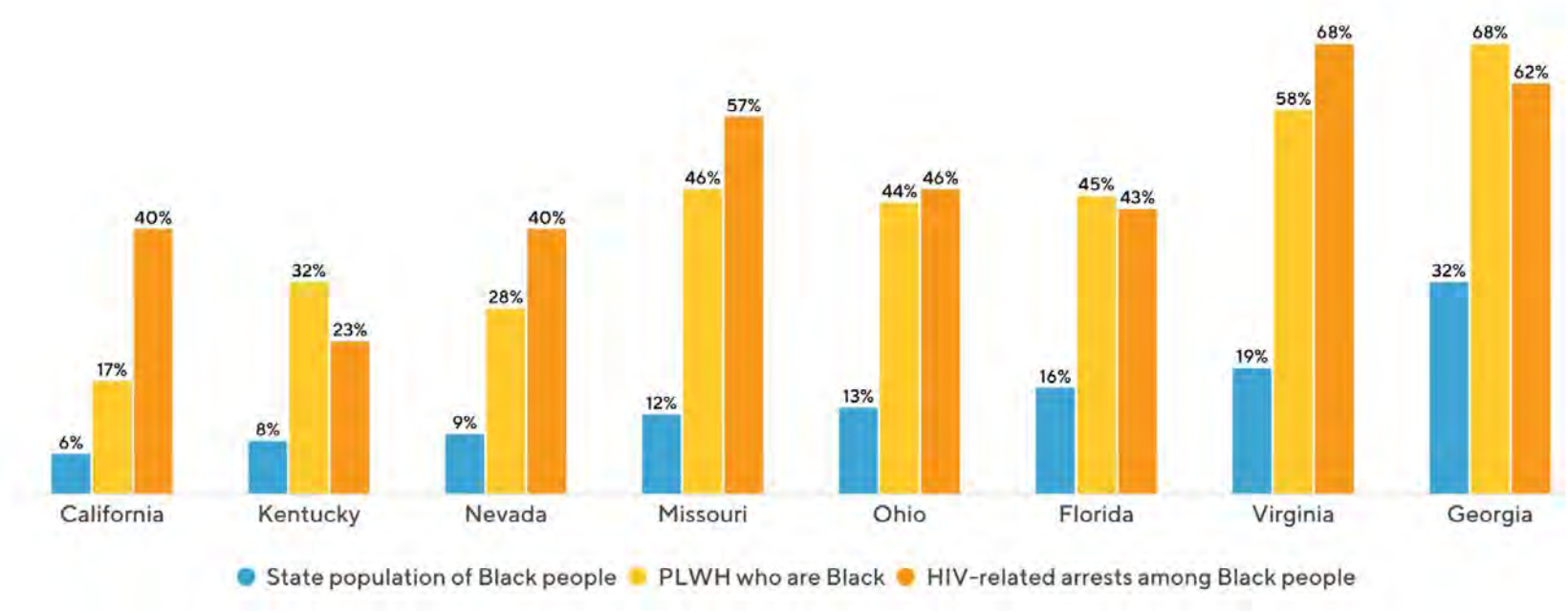
How does HIV criminalization harm our communities?

There is no evidence that these laws promote public health.

There is evidence that these laws:

- **WORSEN STIGMA** related to HIV and against PLHIV, especially people living with HIV and engaging in sex work.
- **EXACERBATE BARRIERS** to HIV prevention, testing, and treatment services.
- **PERPETUATE ONE-SIDED MESSAGING** about sexual health and prevention responsibility.
- **DISPROPORTIONATELY HARM** marginalized populations, including women, people of color, LGBTQ+ communities, sex workers, people who use drugs, and undocumented immigrants.
- **UNDERMINE CARE AND SUPPORT** for people living with disabilities, including PLHIV, by reinforcing ableist systems that criminalize health conditions.

Disparate enforcement against Black people



https://williamsinstitute.law.ucla.edu/visualization/hiv-criminalization/

HIV criminalization inflames stigma

- Stigma against people living with HIV is widespread and intense.
  - Racism, classism, transmisia, ableism, and misogyny interlock with HIV-related stigma.
- **HIV criminalization is the codification of stigma within law.**
  - The creation and enforcement of these laws, policies, and practices exacerbates existing stigma.

HIV criminalization and PrEP access

RESEARCH ARTICLE HIV/AIDS

HEALTH AFFAIRS > VOL. 39, NO. 9: MEDICARE PAYMENT INCENTIVES, MEDICAID & MORE

State-Level Discrimination Policies And HIV Pre-Exposure Prophylaxis Adoption Efforts In The US

Stephen Bonett, Steven Meanley, Steven Elsesser, and José Bauermeister

Expansive HIV criminalization schemes and reduced HIV testing

HHS Public Access

Author manuscript

J Public Health Policy. Author manuscript; available in PMC 2024 December 03.

Published in final edited form as:

J Public Health Policy. 2024 December ; 45(4): 673–686. doi:10.1057/s41271-024-00517-x.

HIV: California's 2018 criminalization reform and testing among those reporting risk behavior

Jessica M. Keralis[1], **Avery Bourbeau**[2], **Kevin P. Delaney**[1], **Shifawu Odunsi**[1], **Sheila Salvant Valentine**[1]

[1]U.S. Centers for Disease Control and Prevention, Atlanta, GA, USA

[2]DLH Corporation, Atlanta, GA, USA

National Association of Criminal Defense Lawyers

National Coalition of STD Directors

NASTAD™ National Alliance of State & Territorial AIDS Directors

Global Commission on HIV and the Law

AMA American Medical Association

NACCHO National Association of County & City Health Officials

The United States Conference of Mayors

THE UNITED STATES CONFERENCE OF MAYORS

American Academy of HIV Medicine

hivma hiv medicine association

Fighting back against criminalization

Despite federal and state attacks, decriminalization work is possible

- Maryland and North Dakota became the fourth and fifth states to fully repeal their most specific HIV criminalization offenses.
- Advocates in Louisiana defeated House Bill 76, an expansive bill that would have criminalized anyone living with an STI.
    - Intersectional advocacy focused on the experiences of Black and brown women and survivors of sexual violence.
- Decriminalization coalitions are pushing for expanded access to PrEP and HIV testing, alongside reforms to and repeals of HIV-specific criminal laws.

Key takeaways

- At the same time of systemic divestment in evidence-based health services, state and federal actions are increasingly relying on carceral tactics.
    - The resurgence in carcerality is especially dangerous for people living with HIV, who are already at increased risk of harm due to HIV criminalization.
- Criminalization undermines HIV prevention, testing, and treatment.
- Advocacy efforts must acknowledge the interconnectedness of disinvestment and criminalization.
    - People most impacted, especially Black, brown, LGBTQ+, and working class people, must lead these efforts.

CHLP
Making Positive Justice Possible

PositiveJusticeProject

Scan the QR to sign up for the PJP email list.
For more info about our HIV decriminalization work, email us at pjp@hivlawandpolicy.org

CHLP20

Making Positive Justice Possible Since 2005

CHLP20

CELEBRATING 20 YEARS IN 2025

CHLP is an abolitionist legal and policy organization that envisions and works for a world where HIV and other stigmatized health conditions are no longer criminalized but met with compassion and the resources to thrive.

In 2025, CHLP is celebrating 20 years of advocacy, innovation, and commitment to HIV justice.

hivlawandpolicy.org

@hivlawandpolicy