

2023 Regular Session

HOUSE RESOLUTION NO. 130

BY REPRESENTATIVES FREEMAN AND LANDRY

A RESOLUTION

To create a task force to study the public health outcomes related to the criminalization of the human immunodeficiency virus (HIV) and to report its findings prior to the convening of the 2024 Regular Session of the Legislature of Louisiana.

WHEREAS, HIV represents an ongoing public health concern; and

WHEREAS, Louisiana has the fourth highest rate of new HIV diagnoses in the nation; and

WHEREAS, the Centers for Disease Control and Prevention has recommended modernization of HIV criminalization laws, stating "many state laws are now outdated and do not reflect our current understanding of HIV"; and

WHEREAS, as part of the federal government's *Ending the HIV Epidemic* initiative, started under President Trump, states are urged to "consider updating or repealing outdated [HIV criminalization] laws and practices"; and

WHEREAS, the state of Louisiana launched a state-level initiative similar to the federal government's *Ending the HIV Epidemic* initiative and has similarly recommended modernization of Louisiana's HIV criminalization law to better serve public interests and public health best practices; and

WHEREAS, advancements in clinical research and medical evidence have changed since the inception of HIV criminalization laws, reflecting that HIV cannot be transmitted by casual contact, spitting, or biting; and

WHEREAS, advancements in antiretroviral medications, through "treatment as prevention", can reduce HIV to undetectable levels and reduce the risk of transmitting HIV to zero percent while also increasing the life expectancy of affected persons; and

WHEREAS, research has shown HIV criminalization laws disincentivize HIV testing, discourage disclosure, and undermine public health goals; and

WHEREAS, since 1994, fifteen states have modernized their HIV criminal laws; and

WHEREAS, R.S. 14:43.5 provides for the felony crime of intentional exposure to HIV; and

WHEREAS, Louisiana is one of thirty-five states with criminal laws specific to HIV and is one of four states that require a person convicted under an HIV-specific law to register as a sex offender; and

WHEREAS, in 2018, R.S. 14:43.5 was amended to include affirmative defenses; and

WHEREAS, in December 2021, the REPEAL HIV Discrimination Act of 2021 was introduced in the United States House of Representatives with the intent of providing states guidance on reexamining their HIV-specific crime laws and providing incentives for states to explore the repeal or reform of laws and best practices.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby create a task force to study the public health outcomes related to the criminalization of HIV and provide for recommendations to modernize R.S. 14:43.5 to reflect both the realities regarding the routes and risks of transmission of HIV and to better serve the public interest in the *Ending the HIV Epidemic* initiative in Louisiana.

BE IT FURTHER RESOLVED that the task force shall be composed of the following members:

- (1) The state representative who represents House District No. 98, or her designee.
- (2) The chairman of the House Committee on Administration of Criminal Justice, or his designee.
- (3) The chairman of the House Committee on Health and Welfare, or his designee.
- (4) A member of the Louisiana Coalition on Criminalization and Health.
- (5) One representative from the Bureau of Infectious Diseases within the Louisiana Department of Health, office of public health.
- (6) One representative from the Louisiana District Attorney's Association.

BE IT FURTHER RESOLVED that the chairman and vice chairman of the task force shall be elected by a majority of the task force members at its first meeting, which shall be called by the chairman of the House Committee on Administration of Criminal Justice no

later than September 1, 2023, and the members may select other officers as the task force deems appropriate.

BE IT FURTHER RESOLVED that the task force shall meet at such times and places as determined by its chair.

BE IT FURTHER RESOLVED that the members of the task force shall serve without compensation, except per diem or expenses reimbursement to which they may be individually entitled to as members or employees of their constituent organizations.

BE IT FURTHER RESOLVED that a majority of the total membership shall constitute a quorum of the task force, and any official action by the task force shall require an affirmative vote of a majority of the quorum present and voting.

BE IT FURTHER RESOLVED that the Louisiana Department of Health shall provide staff support to the task force.

BE IT FURTHER RESOLVED that the task force shall report its findings to the House of Representatives prior to the convening of the 2024 Regular Session of the Legislature of Louisiana.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to each of the task force members provided in this Resolution.

BE IT FURTHER RESOLVED that one print copy and one electronic copy of any report produced pursuant to this Resolution shall be submitted to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES