

2023 Regular Session

HOUSE RESOLUTION NO. 130

BY REPRESENTATIVES FREEMAN AND LANDRY

PUBLIC HEALTH: Creates a task force to study public health outcomes related to the criminalization of HIV

1 A RESOLUTION

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

5 WHEREAS, HIV represents an ongoing public health concern; and

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

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9 modernization of HIV criminalization laws, stating "many state laws are now outdated and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

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12 started under President Trump, states are urged to "consider updating or repealing outdated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

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

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

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

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

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

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

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

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

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

17 THEREFORE, BE IT RESOLVED that the House of Representatives of the
18 Legislature of Louisiana does hereby create a task force to study the public health outcomes
19 related to the criminalization of HIV and provide for recommendations to modernize R.S.
20 14:43.5 to reflect both the realities regarding the routes and risks of transmission of HIV and
21 to better serve the public interest in the *Ending the HIV Epidemic* initiative in Louisiana.

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

24 (1) The state representative who represents House District No. 98, or her designee.

25 (2) The chairman of the House Committee on Administration of Criminal Justice,
26 or his designee.

27 (3) The chairman of the House Committee on Health and Welfare, or his designee.

28 (4) A member of the Louisiana Coalition on Criminalization and Health.

29 (5) One representative from the Bureau of Infectious Diseases within the Louisiana
30 Department of Health, office of public health.

1 (6) One representative from the Louisiana District Attorney's Association.

2 BE IT FURTHER RESOLVED that the chairman and vice chairman of the task force
3 shall be elected by a majority of the task force members at its first meeting, which shall be
4 called by the chairman of the House Committee on Administration of Criminal Justice no
5 later than September 1, 2023, and the members may select other officers as the task force
6 deems appropriate.

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

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

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

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

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

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

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed resolution:

1. Provide for the chairman of the House Committee on Administration of Criminal Justice to call the first meeting of the task force by Sept. 1, 2023.