

REPEAL REPEAL EXISTING POLICIES THAT ENCOURAGE AND ALLOW LEGAL STI DISCRIMINATION ACT

Bill# NY A03347

› WHAT IS PUBLIC HEALTH LAW §2307?

Public Health Law 2307 (PHL §2307) is a New York Law that makes it a misdemeanor for a person who knows they currently have a sexually transmitted infection to have sexual intercourse with another person.

› WHAT DOES THIS BILL DO TO THE LAW?

The REPEAL STI Discrimination Act will repeal PHL §2307 in the public health law and provide for expungement of past convictions. It will also create a defense so that sexually transmitted infection status does not create criminal liability when engaging in consensual sex.

› WHY DOES THIS BILL NEED TO BE PASSED AND PHL §2307 REPEALED?

The law is contrary to public health

We are all only as safe as the members of our community most at risk. Public health advocates have long known that the best way to promote everyone's health is an approach that treats people as individuals who need care rather than vectors for disease or criminals to be punished. Decreasing stigma and increasing access to testing, treatment, and support are the best ways to combat disease.

PHL §2307, which criminalizes an individual's health status, is heavily stigmatizing and discourages individuals from testing. If knowledge of STI status can lead to criminal charges, then why would someone seek testing or treatment? This has the adverse effect of increasing community spread as fewer people seek treatment.

The law disproportionately harms communities of color, LGBTQ communities, and other vulnerable groups

Centuries of systemic racism have led to unequal access to health care and preventative care. Even when health care is available, studies have established that racial and ethnic minorities receive lower-quality health care—even when insurance status, income, age, and severity of conditions are comparable. This confluence of factors has led to alarming effects: communities of color are disproportionately affected by STIs. In the case of HIV, Black Americans compose 40% of individuals with HIV. Communities of color also are disproportionately policed and prosecuted. This law burdens communities of color, particularly LGBTQ and trans communities of color, and those engaging in sex work, based on outdated history and science.

PHL §2307 is a relic of the past

Laws must reflect the modern day and not be based on outdated beliefs. This law was originally written in 1909 to prevent the spread of "venereal disease" to members of the military. With the onslaught of World War II, combatting STIs became a national priority as their treatment took soldiers out of commission for months. In 1943, the legislature increased the penalty to a felony. In 1946, the law was rewritten again making it applicable to the general public and a misdemeanor. It remains unchanged 76 years later.

PHL §2307 ignores modern science and medicine

Laws must be based on fact. Science has progressed by leaps and bounds in the past 76 years, making treatment of STIs more manageable and HIV no longer a death sentence. With treatment, many people living with HIV can achieve an undetectable viral load making HIV transmission almost impossible. In 2019, in New York City, 87% of people living with HIV receiving treatment were virally suppressed. PHL §2307 does not make sense in the age of modern medicine.

PHL §2307 is broad and unjust

We all want laws that treat people fairly. PHL §2307 is an unjust law; it is indiscriminately broad with virtually no defenses. Neither intent to transmit nor actual transmission of an STI is necessary for violation of the law. It also does not matter if you disclose your status to your partner, if your partner consents, or if you use protection. Persons convicted under this statute are guilty of a misdemeanor and may face up to one year in prison and a \$1,000 fine.

End the Stigma and Make It Safe to Test

An approach rooted in research, science, and objective facts is the best way to counter prejudice and end the STI and HIV epidemics.

What can I do?

Call your State Assembly Member and Senator and urge them to vote yes to eliminate this discriminatory and archaic law!

👉 <https://nyassembly.gov/mem/>

👉 <https://www.nysenate.gov/find-my-senator>

