

Timeline of State Reforms and Repeals of HIV Criminalization Laws

STATES WITH MOST SIGNIFICANT CHANGES TO THEIR HIV CRIMINALIZATION LAWS

1994



TEXAS

- ★ The first state to repeal offense that exclusively and only criminalized HIV.

2014



IOWA

- Broadened offense from only applying to PLHIV to applying to people living with any “contagious or infectious disease,” which is defined as “HIV, Tuberculosis, Hepatitis, and Meningococcal Disease.”
- Created tiered offenses for “criminal transmission of a contagious or infectious disease:”
 - if a PLHIV exposes another to HIV with the intent to transmit and transmission occurs, it is a Class B felony. It is a Class D felony if transmission does not occur.
 - if a PLHIV exposes another to HIV with “reckless disregard” as to whether transmission occurs, it is a Class D felony if transmission occurs. It is a serious misdemeanor if transmission does not occur.
- Added an affirmative defense if the “exposed” individual knew of the other’s HIV status and “consented” to the exposure.
- Added defense to prosecution if a person took “practical means to prevent transmission” or disclosed and offered to take practical means to prevent transmission.
- Prohibited prosecution of PLHIV who become pregnant or decline treatment during their pregnancy.
- Removed sex offense registration requirement and allowed for expungement.

2016



COLORADO

- Broadened offense from only applying to PLHIV to applying to people living with any “sexually transmitted infection.”
- Reduced the maximum authorized sentence enhancement for PLHIV who are charged with an underlying sex offense if transmission occurs.
- Eliminated felony penalty for PLHIV engaging in sex work with knowledge of their HIV status.
- Repealed mandatory testing for PLHIV engaged in sex work.

2017



CALIFORNIA

- Repealed the felony HIV exposure offense.
- Broadened offenses from only applying to PLHIV to applying to people living with any “infectious or communicable disease.”
- Added misdemeanor offenses:
 - Created intentional transmission offense that requires specific intent to transmit coupled with conduct that poses a “substantial risk of transmission” and transmission.
 - Allowed for prosecution for “attempting” to intentionally transmit an infectious or communicable disease.
- Created willful exposure offense for a person with an infectious or communicable disease who disregards a health officer’s instructions by engaging in certain conduct “that poses a substantial risk of transmission” within 96 hours of receiving the health officer’s instructions.
- Added language about “practical means to prevent transmission.”
- Repealed specific felony offenses criminalizing PLHIV for donating blood, tissue, semen, or breast milk.
- Prohibited prosecution of PLHIV who become pregnant or decline treatment during their pregnancy.
- Required mandatory testing for individuals convicted of certain sexual offenses.
- Changed penalties for PLHIV engaged in sex work:
 - Eliminated the felony sentencing enhancement for PLHIV who engage in sex work after an HIV-positive blood test.
 - Repealed mandatory testing provisions.
 - Repealed provision requiring participation in an “AIDS education program” upon conviction.
 - Allowed for PLHIV convicted under the old law and serving a sentence to request dismissal or recall of their sentence.
 - Allowed for vacating of sentence enhancements for PLHIV convicted of prostitution or solicitation under the old law and allowed for resentencing.

2018



MICHIGAN

- Modified HIV exposure offense:
 - Restricted definition of criminalized behavior from an expansive definition of “sexual penetration” to “anal or vaginal” intercourse.
 - Added requirement that the person specifically intend to transmit HIV.
- Created tiered offense for a PLHIV who acts with “reckless disregard” by not disclosing their positive HIV status prior to engaging in vaginal or anal intercourse:
 - If transmission occurs, it is a felony offense;
 - If transmission does not occur, it is a misdemeanor offense.
- Clarified that PLHIV who can show that they have been “adherent” to their physician’s treatment plan and have been “medically suppressed” are not acting with reckless disregard.
- Removed acquired immunodeficiency syndrome language within the exposure offense and replaced it with human immunodeficiency virus.



NORTH CAROLINA

- Added exceptions to prosecution under administrative regulations. PLHIV must disclose their status and use condoms unless certain exceptions apply:
 - they have been virally suppressed for at least six months;
 - their partner is taking pre-exposure prophylaxis (PrEP);
 - their partner is also living with HIV; or
 - the sexual intercourse occurred as part of a sexual assault in which the PLHIV was the “victim.”
- Barred PLHIV from donating “blood, plasma, platelets, other blood products, semen, ova, tissues, organs, or breast milk” unless donation is part of research or sperm or ova are used “by the person’s spouse or partner” to become pregnant.
- Prohibited PLHIV from sharing used needles, syringes, or other drug equipment.
- Required PLHIV to disclose status to past and future sexual and needle-sharing partners under certain circumstances.



LOUISIANA

- Included three affirmative defenses to the intentional exposure statute. A person cannot be prosecuted:
 - if the defendant can prove that the exposed person knew the defendant’s HIV status, knew that HIV transmission could occur, and “consented” with that knowledge;
 - if the “transfer” of bodily fluid, tissue, or organs occurred after a physician told the defendant they were “noninfectious” and the defendant disclosed their HIV status to the complainant; or
 - if a defendant disclosed their status and took “practical means to prevent transmission” or is themselves a healthcare provider who was following “infection control procedures.”
- Broadened the definition of police officer to first responder for non-sexual forms of exposure to bodily fluids.
- Removed inaccurate and stigmatizing language.

2020



WASHINGTON

- Repealed STI exposure offense that required disclosure prior to sexual intercourse.
- Restricted prosecution of the first-degree assault offense to people who, with “intent to inflict great bodily harm,” transmit HIV to a minor or “vulnerable adult.”
- Created a misdemeanor HIV transmission offense:
 - Added elements of knowledge of status, knowledge of transmission risks, “partner’s lack of awareness” of HIV status, and intent to transmit HIV.
 - Added affirmative defenses against prosecution, including lack of HIV transmission and the use of a condom or other “practical means to prevent transmission.”
 - Removed the requirement for sex offense registration, except for incidents involving a child or vulnerable person.
- Added elevated, gross misdemeanor offense for transmission caused by misrepresentation of HIV status to a sexual partner.
- Repealed forced testing for certain sexual offenses, sex work offenses, and drug offenses.



INDIANA

- Limited prosecution under the HIV and Hepatitis B virus duty to inform statute to behavior posing a “significant risk of transmitting” HIV or Hepatitis B, “as determined by the Centers for Disease Control and Prevention.”
- Removed inaccurate and stigmatizing HIV-related language.

2021



MISSOURI

- Broadened list of criminalized diseases from HIV, Hepatitis B, or Hepatitis C to any “serious infectious or communicable diseases.”
- Reduced minimum sentences and created different levels of offenses:
 - “knowing exposure” is a Class D felony, punishable by up to 7 years in prison;
 - “knowing exposure,” if transmission occurs, is a Class C felony punishable by up to 10 years in prison; and
 - acting “in a reckless manner by exposing” someone to a disease is a class A misdemeanor punishable by up to one year in prison.
- Limited prosecution to activities that create a “substantial risk of transmission” as defined by competent medical and epidemiological data.
- Removed prohibition on use of condoms as a defense.
- Created affirmative defense if the person exposed “knew” of the person’s communicable disease status and “consented” to the exposure.
- Barred from prosecution people living with communicable diseases who donate blood, blood products, organs, sperm, or tissue as deemed appropriate by a physician.
- For offenses criminalizing exposure of a correctional officer, mental health worker, visitor or other incarcerated or institutionalized person, added requirement that the conduct is “scientifically shown to be a means of transmission.”



VIRGINIA

- Changed the general criminal law that punishes “possession of infectious biological substances or radiological agents,” to clearly state that the law does not apply to HIV.
- Changed the felony “infected sexual battery” law:
 - Broadened list of criminalized diseases from HIV, Hepatitis B, or Syphilis to any “sexually transmitted infection.”
 - Added requirement that the sexual behavior poses a “substantial risk of transmission” of an STI.
 - Added requirement of transmission of an STI.
- Removed misdemeanor penalty for nondisclosure of HIV, Hepatitis B, or Syphilis before engaging in sexual intercourse or oral sex with another person.
- Made STI testing optional for people who engage in sex work and people who inject drugs convicted of certain crimes.
- Changed laws related to organ donation by people living with STIs:
 - Eliminated the felony prohibition on people living with STIs donating organs, tissues, or any natural body part for use in medical or scientific research.
 - Eliminated prohibition on PLHIV donating organs if the recipient is aware and “consents” to transplantation and the organ transplantation complies with the federal HIV Organ Policy Equity Act.



NEVADA

- Repealed offense that only applied to PLHIV.
- Allowed for prosecutions under the misdemeanor “communicable disease” transmission and exposure offenses in the public health code:
 - For exposure offense, created a requirement for public health official warning of any conduct posing a “high probability of transmission” before issuing a misdemeanor punishment.
 - For transmission offense, added requirements for intent to transmit, conduct with a “high probability” of transmission, and transmission of a communicable disease.
- Prohibited prosecution of:
 - People diagnosed with communicable diseases who donate blood, semen, organs, and other tissue and disease exposure or transmission occurs.
 - People diagnosed with communicable diseases who become pregnant and disease exposure or transmission to the fetus occurs.
- Prohibited prosecutions of exposure or transmission incidents through other law, including the criminal code.
- Provided defenses to prosecution if the person takes steps to prevent transmission or if the person “exposed” knows the defendant has a communicable disease, knows conduct could result in transmission, and “consents” to the conduct.
- Repealed the category B felony for prostitution after a positive HIV test.
- Repealed provisions that required HIV testing for individuals arrested for sex work or solicitation or entering a correctional facility.



ILLINOIS

- ★ Second state to repeal offense that exclusively and only criminalized HIV.

2022



NEW JERSEY

- ★ Third state to repeal offense that specifically and only criminalized HIV.
- Shifted enforcement to general criminal endangerment law, which can be used to prosecute incidents of exposing another to an infectious or communicable disease.
- Prohibited certain disclosures of personal health information through the criminal endangerment law.



GEORGIA

- Changed HIV-specific exposure offense and HIV-specific sex work enhancement:
 - Added requirement of intent to transmit.
 - Added requirement that conduct poses “a significant risk of transmission based on current scientifically supported levels of risk of transmission.”
 - Reduced felony-level imprisonment maximum to 5 years from 10 years.
- Repealed sections that criminalized PLHIV for engaging in certain behaviors without first disclosing their status:
 - Sharing needles or syringes,
 - Asking another to perform or submit to an act of sodomy, or
 - Donating blood, blood products, bodily fluids, or organs.
- Repealed specific felony punishment for PLHIV or people living with hepatitis who put their blood, semen, vaginal secretions, saliva, urine, or feces upon an officer or correctional officer.
- Removed inaccurate and stigmatizing language.

2023



TENNESSEE

- Removed sex offense registry requirement for PLHIV convicted of criminal exposure.
- Created process for PLHIV convicted of criminal exposure to petition to be removed from the registry.



KENTUCKY

- Repealed offense that criminalized PLHIV who were aware of their status and who donated organs, skin, or tissues.
- Repealed felony offense that criminalized people who sold, delivered, or possessed HIV self-testing kits.

2024



TENNESSEE¹

- Removed sex offense registry requirement for PLHIV convicted of “aggravated prostitution.”
- Created process for PLHIV convicted of aggravated prostitution to petition to be removed from the registry.
- Allowed for expungement of aggravated prostitution records if certain criteria are met, including that a petitioner must prove they were a survivor of human trafficking.

2025



NORTH DAKOTA

- ★ Fourth state to repeal offense that specifically and only criminalized HIV.



MARYLAND

- ★ Fifth state to repeal offense that specifically and only criminalized HIV.

¹ On May 16, 2024, the U.S. Department of Justice announced that it [reached a settlement agreement](#) with the Shelby County, Tennessee, District Attorney General's Office (DA). The Shelby County DA agreed that the county would stop prosecuting people living with HIV (PLHIV) using Tennessee's aggravated prostitution law.



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

FOR MORE INFORMATION, VISIT [HIVLAWANDPOLICY.ORG/MAPS](https://hivlawandpolicy.org/maps)

Newly updated for 2025