

NEVADA HIV MODERNIZATION FACT SHEET

HIV Modernization in Nevada

In June 2021 Governor Sisolak signed Senate Bill (SB) 275 into law. This law updates Nevada's outdated HIV criminalization law to reduce stigma and discrimination against people living with HIV.

Before SB 275, Nevada law discriminated against and punished people based on HIV-positive status by:

- ✗ Criminalizing possible transmission of HIV more harshly than other diseases, without requiring specific intent or actual transmission.
- ✗ Adding harsher penalties for sex workers^[1] living with HIV who knew their HIV-positive status.
- ✗ Giving health departments authority wide latitude to confine people living with HIV.
- ✗ Allowing for the segregation of prisoners based on HIV status.

SB 275 made big changes to those harmful provisions by:

- ✓ Repealing the HIV-specific criminal offense. SB 275 replaced the felony punishment with a misdemeanor and provides more protections for people with communicable diseases, including requiring intent to transmit, conduct likely to transmit, and actual transmission, and adding an affirmative defense.
- ✓ Repealing the felony punishment for engaging in sex work after a positive HIV test.
- ✓ Repealing the stigmatizing "AIDS" law that allows for confinement of people living with HIV.
- ✓ Repealing the law that allows inmates to be segregated based on HIV status.

Other important changes to SB 275:

- ✓ Repealing HIV testing requirements for individuals arrested for sex work, arrested for a sex offense, or entering the custody of the Department of Corrections.
- ✓ Amending provisions about the duties of individuals living with communicable diseases and public health officials' authority to order testing, treatment, isolation, or quarantine.
- ✓ Updating statutory language to ensure HIV/AIDS are used correctly and to remove stigmatizing language.

TAKE ACTION!

SB275 has renewed the Nevada Advisory Task Force on HIV Exposure Modernization's commitment to decriminalizing HIV in the state. Ahead of the 2023 legislative session, the task force will continue to search for problematic HIV and public health laws. We will also work on language changes throughout the Nevada Revised Statutes (NRS).

Questions? Contact PWN USA-Nevada State Lead
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^[1] Unlike other states in the US, sex work is legal and regulated in some Nevada counties. Prior to SB 275, Nevada law prohibited people living with HIV from engaging in licensed or unlicensed sex work, required individuals arrested for solicitation or prostitution to undergo mandatory HIV testing, and attached harsher penalties to PLHIV who engaged in licensed or unlicensed sex work after receiving notice of their disease status have been repealed.