

North Carolina

North Carolina Changed its HIV Control Law in 2018

In 2018, the North Carolina Commission for Public Health revised the state's HIV control measures. They replaced administrative regulations enacted in 1988 and established a defense to prosecution for people who can prove that they have a sustained undetectable viral load as a result of ongoing engagement in care.

BEFORE 2018

The law required people living with HIV (PLHIV) to disclose their HIV status to all sexual partners and made it illegal for a PLHIV to have sex without a condom.

PLHIV were categorically prohibited from donating organs, blood products, semen, ova, tissues, or breast milk.

PLHIV were prohibited from sharing syringes that could "be contaminated" from previous use.

PLHIV who violated any of these control measures would be guilty of a misdemeanor with a maximum punishment of two years' imprisonment.

WHAT CHANGED?

PLHIV are no longer required to disclose their HIV status or use a condom if they adhere to a treatment plan and have been virally suppressed for at least six months.

PLHIV also do not have to use a condom if their partner is also living with HIV or taking PrEP (pre-exposure prophylaxis).

PLHIV can now donate organs as part of a clinical study that is approved by an institutional review board or to benefit another PLHIV, as permitted by the HIV Organ Policy Equity Act (HOPE Act).

A PLHIV can now have their sperm or ova harvested to achieve pregnancy with their partner.

WHO IS STILL AT RISK?

PLHIV may continue to face prosecution under general criminal laws, such as assault with a deadly weapon. In one past case, a PLHIV faced an attempted murder charge due to HIV status.

Not all PLHIV have regular access to healthcare or are able to achieve viral suppression. Those who do not can still be subject to criminal prosecution.

The communities overrepresented in the enforcement of criminal law overlap with groups who struggle with access to quality health care.

To read the full text of the current law, as well as additional analysis, please visit www.hivlawandpolicy.org/states/northcarolina.