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**January 8, 2019**

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## **MICHIGAN MAKES STRIDES IN MODERNIZING HIV DISCLOSURE LAW**

January 8, 2019 -- LANSING, MI. After five years of work by the Michigan Coalition for HIV Health and Safety with the Michigan Department of Health and Human Services (MDHHS), advocates living with HIV and other national and local partners, Michigan's HIV disclosure law has been modernized.

The new legislation, HB 6020 and HB 6021, was introduced by State House Representative Jon Hoadley (D-Kalamazoo) and was supported by the Republican majorities in the House and Senate. After passing both chambers, the bill was presented to Governor Snyder who signed the bill December 27, 2018.

Previously, a person living with HIV (PLHIV) could face a felony up to 4 years in prison for not disclosing their HIV status prior to any type of sexual penetration. The degree of risk of HIV transmission was not a factor in the statute; including circumstances where there was no HIV transmission, nor even any risk of HIV transmission.

The amended law removes those living with HIV who are on treatment and virally suppressed—posing no risk of transmitting HIV—from being subject to prosecution. It also narrows the scope of sexual activities subject to prosecution, from “any type of sexual penetration to only “vaginal and anal sex.” Oral sex, which poses no or negligible risk of transmission regardless of whether the person with HIV is on treatment or virally suppressed, is no longer subject to prosecution.

For PLHIV who are not on treatment and not virally suppressed, it remains a felony if they do not disclose and do transmit HIV sexually. If they do not disclose and do not transmit, the penalty has been reduced to a misdemeanor in the amended statute. Any person with a “specific intent” to infect another person also remains subject to prosecution.

“The Michigan Coalition for HIV Health and Safety (The Coalition) salutes and applauds Rep. Hoadley’s effort in progressing a decades old law and thanks our partners in the coalition, the Sero Project for their guidance and MDHHS for leading the effort,” states Kelly Doyle, Executive Director of CARES (Community AIDS Resource and Education Services of Southwest Michigan). “Rep. Hoadley has worked with coalition partners to seek advice and leadership from PLWH and those who provide care for PLWH throughout the state.”

“I’m encouraged that the legislature understands the advances in HIV science and look forward to continuing efforts that support PLWH,” states Pat Clark, advocate living with HIV.

“The previous law needed immediate attention and updating from its inception 30 years ago,” said Curtis Lipscomb of LGBT Detroit. “As a partner of The Coalition, modernizing Michigan’s HIV disclosure law significantly impacts our state’s residents who are affected by HIV and AIDS. Although the new law doesn’t wave the magic wand to solves all immediate concerns, we have made progress that makes Michigan safer and smarter.”

The new law reflects the significant advances in HIV science, particularly concerning how viral suppression impacts transmission risks. Viral load tests measure the amount of HIV in the blood of a person living with HIV; effective HIV treatment can suppress the level to below the limits of detectability by contemporary technology. When the viral load cannot be detected, the person with HIV is not at risk of transmitting HIV to their sexual partners.

“My hope is that The Whitmer Administration invests in educating Michiganders living with HIV about the modernized law and the importance for getting tested for HIV,” Lipscomb adds. “The work of The Coalition will continue to modernize and improve this bill to include PrEP and condom usage as well as work towards eliminating racial disparities in HIV healthcare.

Contact Kelly Doyle for further information at **(269) 806-3970**.

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The Michigan Coalition for HIV Health and Safety, founded in 2013, works to modernize Michigan's HIV response to increase the health outcomes and safety of all Michiganders. The Coalition includes more than 30 Michigan non-profit organizations.

CARES was founded in 1985 and supports 10 counties in Michigan. Its mission is to maximize the quality of life for people living with HIV and to minimize the transmission.

LGBT Detroit, founded in 1994, commits to furthering its mission, increasing the prominence and visibility of Detroit's LGBT culture, and building a strong, healthy and vibrant community, with a focus on youth and young adult development, sexual orientation and gender identity education and advocacy, and emotional and physical well-being.