

HIV Fact Sheet



CRIMINALIZATION OF HIV TRANSMISSION

What does Minnesota Statute say about HIV Transmission?

Current Minnesota statute refers to Knowing Transfer of a Communicable Disease, 609.2241. The statute does not specifically reference or single out HIV transmission.

According to the statute, a crime has occurred if the person living with HIV knows their status and has not first informed the other person that they have a communicable disease, before engaging in behavior known to be a mode of direct transmission. However, the statute also describes an “affirmative defense” for the person living with HIV if it is proven that the person took practical means to prevent transmission, or is a health care provider following infection control procedures.

Criminalization of HIV Transmission Does Not Prevent HIV

There is no evidence that laws criminalizing HIV transmission have had any impact on HIV transmission rates.

Applying criminalization statutes to people living with HIV can further stigma related to HIV and reduce the likelihood of HIV testing or disclosure of HIV status. Criminalization statutes place the onus of prevention solely on the person who knows their status.

Instead of Criminalization, Minnesotans Need Basic HIV Education

Rather than furthering stigma through criminalization statutes, promotion of basic HIV education for the general public, in addition to targeted prevention program for communities most at risk, would help reduce the incidence of new HIV infections and combat stigma associated with HIV.

Polling research shows that while most Americans have some knowledge about HIV, misinformation exists about how HIV transmission occurs and how it can be prevented. This misinformation leads to stigma associated with HIV and contributes to the incidence of new HIV infections.

Minnesota AIDS Project Public Policy
1400 Park Ave, Minneapolis, MN 55404
www.mnaidsproject.org/publicpolicy
publicpolicy@mnaidsproject.org or 612-373-9162



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