



Jurisdiction	HIV-Specific Criminal Law? Each state or territory, in addition to the federal government, that has an HIV-specific misdemeanor or felony law for one or more of the behaviors below qualifies as a state or territory with an HIV-specific law (37 total) <sup>i</sup>							STI law <sup>ii</sup> under Public Health code I = Infraction M = Misdemeanor V = Felony		STI law under criminal code, not HIV specific M = Misdemeanor F = Felony	Sex Offender Registration	General felony laws used to prosecute people with HIV	Notes
	Sex	Spit/Bite/Blood Exposure	Needle-sharing	Organ/Blood/Semen Donation	Sex work/solicitation	Statute for HIV-Specific Sentence Enhancement	Felony and/or Misdemeanor	STI Law with HIV	General STI Law				
Maryland	Yes	Yes	Yes	Yes			M		Yes (M)			Yes	Maryland has a broad HIV exposure law that can be applied to any sort of HIV exposure.
Massachusetts						Yes	F					Yes	Massachusetts has a broad STI sentence enhancement law that has been applied to HIV.
Michigan	Yes			Yes			F						Michigan allows sentence enhancements where sexual assault victims are exposed to STIs, including HIV, but is not HIV specific
Minnesota										Yes (F)			
Mississippi <sup>v</sup>	Yes	Yes	Yes	Yes			F / M						Mississippi has a broad HIV exposure law that can be applied to any sort of HIV exposure.
Missouri	Yes	Yes	Yes	Yes	Yes		F						Missouri also allows subsequent positive tests for other STIs to trigger prosecution without a complaining witness.
Montana								Yes (M)					
Nebraska <sup>vi</sup>		Yes					F						
Nevada	Yes	Yes	Yes	Yes	Yes		F		Yes (M)				Nevada has a broad HIV exposure law that can

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	Sex	Spit/Bite/Blood Exposure	Needle-sharing	Organ/Blood/Semen Donation	Sex work/solicitation	Law for HIV-Specific Sentence Enhancement	Felony and/or Misdemeanor	STI Law with HIV	General STI Law				
													be applied to any sort of HIV exposure.
New Hampshire												Yes	
New Jersey <sup>vii</sup>	Yes						F					Yes	
New Mexico													
New York									Yes (M)			Yes	
North Carolina	Yes		Yes	Yes			M		Yes (M)			Yes	North Carolina has an HIV-specific health code section whose violation is a misdemeanor that can lead to up to two years incarceration.
North Dakota	Yes		Yes				F		Yes (M)				
Ohio	Yes	Yes		Yes	Yes		F		Yes (M)		Yes		
Oklahoma	Yes	Yes			Yes		F			Yes (F)		Yes	
Oregon									Yes (F)			Yes	
Pennsylvania		Yes			Yes		F					Yes	
Rhode Island									Yes (M)				
South Carolina	Yes		Yes	Yes	Yes		F		Yes (M)			Yes	
South Dakota	Yes	Yes	Yes	Yes			F		Yes (M)		Yes		
Tennessee	Yes		Yes	Yes	Yes	Yes	F		Yes (M)		Yes		Tennessee also has an HIV-specific quarantine law
Texas												Yes	
Utah		Yes			Yes	Yes	F		Yes (M)				
Vermont									Yes (F)			Yes	
Virginia <sup>viii</sup>	Yes			Yes			F / M	Yes (F/M)				Yes	
Washington	Yes	Yes	Yes	Yes			F		Yes (M)		Yes		Washington has a broad HIV exposure law

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	Sex	Spit/Bite/Blood Exposure	Needle-sharing	Organ/Blood/Semen Donation	Sex work/solicitation	Law for HIV-Specific Sentence Enhancement	Felony and/or Misdemeanor	STI Law with HIV	General STI Law				
													that could include many types of contact.
West Virginia								Yes (M)					
Wisconsin <sup>ix</sup>						Yes	F	Yes (M)				Yes	
Wyoming													
American Samoa													
Guam					Yes		F						
Northern Mariana Islands													
Puerto Rico													
U.S. Virgin Islands	Yes		Yes	Yes			F						
Federal Law, including U.S. Military				Yes			F					Yes	
<b>Totals:</b>	25	16	17	23	13	10	36	4	21	2	6	23	

<sup>i</sup> Of these 37, 34 have felonies (or relate to felony convictions in the case of sentence enhancement laws). Maryland has a misdemeanor law and North Carolina has an analogous public health code whose violation can lead to up to two years imprisonment.

<sup>ii</sup> The only laws included in this category are those under the public health codes that impose criminal punishment for exposure or transmission of STIs including HIV or STIs in general. These laws are predominantly misdemeanors. However, Kansas and Minnesota both have broad felony statutes that criminalize “intentional exposure to life threatening disease” in the case of Kansas, and “knowing transfer of communicable disease” in the case of Minnesota. Both statutes have been used against people living with HIV. Crimes, like those listed here, are classified according to seriousness, starting with infractions and increasing to felonies.

<sup>iii</sup> Florida defines “sexually transmitted infections” differently in different statutes and it is not clear which the misdemeanor STI statute incorporates. At least one statutory definition of STI includes HIV.

<sup>iv</sup> Indiana’s felony exposure statute also includes hepatitis B.

<sup>v</sup> Mississippi’s felony exposure statute also includes hepatitis B and hepatitis C.

<sup>vi</sup> Nebraska’s felony exposure statute also includes hepatitis B and hepatitis C.

<sup>vii</sup> New Jersey’s “Diseased person committing an act of sexual penetration” statute includes “chancroid, gonorrhea, syphilis, herpes virus, or any of the varieties or stages of such diseases” in one section and includes HIV in the next section, as a more serious offense.

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<sup>viii</sup> While Virginia's donation statute applies to HIV exclusively, the "Infected Sexual Battery" statute includes syphilis and hepatitis B in addition to HIV.

<sup>ix</sup> Wisconsin's aggravating factors statute includes HIV by name, and then generally "sexually transmitted disease."