



Legislative Affairs
125 Broad Street, 19th Floor
New York, NY 10004
212-607-3300
www.nyclu.org

2023 – 2024 Legislative Memorandum

**Subject: REPEAL STI Discrimination Act
S.4603-A (Hoylman-Sigal) / A.3347-A (Gonzalez-Rojas)**

Position: SUPPORT

While New York has made considerable progress in reducing the prevalence of HIV over the last decade,¹ the COVID-19 pandemic exacerbated hurdles to HIV prevention, testing, and treatment. Moreover, New York continues to see stark disparities in HIV's impact with Black, Indigenous, and other New Yorkers of color, as well as transgender New Yorkers and young men who have sex with men, bearing the brunt of the epidemic.² Repealing New York's HIV and sexually-transmitted infection (STI) criminalization law, Public Health Law § 2307, is a critical step toward ending the epidemic.

Laws that criminalize people living with HIV/AIDS and STIs discourage people from learning and disclosing their status, ignore science, harm patient relationships with counselors and doctors, and perpetuate stigma. Recognizing these realities, 12 states have amended or repealed their laws criminalizing HIV/AIDS since 2014. New York must join them by passing the REPEAL STI Discrimination Act, S.4603-A (Hoylman-Sigal) / A.3347-A (Gonzalez-Rojas), which would repeal Public Health Law § 2307 and expunge past convictions under the law. The NYCLU strongly supports this bill and urges its immediate passage.

At present, New York criminalizes people for having sex if they have an STI. This crime carries no intent requirement and no transmission requirement, and open disclosure to one's partners is no defense. Defense attorneys report that New York prosecutors have weaponized this statute to prosecute people living with HIV who have sex.

This is bad public policy. STI criminalization undermines public health and disproportionately impacts communities of color, particularly LGBTQ+ communities of color. For these reasons, the NYCLU strongly supports the REPEAL STI Discrimination Act and encourages its expedient passage.

¹ New York State Budget and Policy Priorities NYS Fiscal Year 2025, Ending the Epidemic 2 (Nov. 2023).

² *Id.*