

1411 32nd St S, Ste 1
Fargo, ND, 58103
701-264-5200 (p)
701-999-2779 (f)
info@canopymedicalclinic.com



Dear Members of the Senate Human Services Committee,

I am writing to express my strong support for HB 1217, a crucial piece of legislation that seeks to repeal Section 12.1-20-17 of the North Dakota Century Code and decriminalize the transmission of HIV. As a Nurse Practitioner specializing in Reproductive and Sexual Health, I believe this reform is vital for ensuring public health, promoting equality, and addressing outdated and discriminatory practices rooted in stigma rather than science.

The Importance of Decriminalization

Criminalization laws regarding HIV transmission were enacted during a time when little was understood about the virus, its transmission, and treatment. Today, decades of scientific progress have drastically altered the landscape:

1. Effectiveness of Modern Treatment:

- Antiretroviral therapy (ART) can reduce the viral load in people living with HIV to undetectable levels. According to the Centers for Disease Control and Prevention (CDC), individuals with undetectable viral loads cannot transmit HIV to others. This principle, known as "Undetectable = Untransmittable" (U=U), fundamentally undermines the basis for laws like Section 12.1-20-17 that penalize HIV transmission.

2. Public Health Approach:

- Criminalizing HIV transmission discourages individuals from seeking testing and treatment out of fear of legal repercussions. This perpetuates the spread of the virus and contradicts public health objectives.

3. Disproportionate Impact:

- Existing HIV criminalization laws disproportionately impact marginalized communities, including people of color, LGBTQ+ individuals, and those living in poverty. A 2020 study by the Williams Institute found that HIV criminalization laws in the United States are often applied inconsistently and discriminatorily, reinforcing systemic inequities.

4. Scientific and Ethical Concerns:

- Section 12.1-20-17 criminalizes individuals even when there is no actual transmission or intent to harm. This approach ignores modern medical advances and promotes stigma rather than addressing the root causes of transmission.

Lessons from Other States

States such as Colorado, California, and Illinois have successfully enacted reforms to modernize their laws related to HIV. These reforms have:

- Aligned legal statutes with current medical science, emphasizing prevention and treatment over punishment.
- Reduced stigma, thereby encouraging testing and treatment.
- Avoided criminalizing people for conditions that can now be effectively managed and rendered non-transmissible.

For example, California's SB 239, passed in 2017, replaced HIV-specific criminal statutes with laws that apply equally to all infectious diseases. This approach ensures fairness and focuses on intentional harm rather than perpetuating HIV-specific stigma. Similarly, Colorado's HB 21-1097, enacted in 2021, emphasized education and public health interventions over punitive measures.

Benefits of Passing This Bill

- **Encourages Testing and Treatment:** By removing the fear of criminalization, more individuals will feel safe to seek testing and treatment, reducing undiagnosed cases and transmission rates.
- **Aligns Law with Science:** Modern medicine has rendered HIV a manageable chronic condition. The law must reflect this progress rather than perpetuate outdated misconceptions.
- **Promotes Equity:** Decriminalizing HIV transmission eliminates a significant source of discrimination against people living with HIV, fostering a more just and equitable society.

Call to Action

I urge you to support HB 1217 and repeal Section 12.1-20-17 of the North Dakota Century Code. This is an opportunity for North Dakota to lead in advancing public health, reducing stigma, and ensuring that our laws are rooted in science, equity, and compassion. By passing this bill, we can create a safer and healthier future for all our residents.

Thank you for considering this important legislation. I am happy to provide further information or answer any questions the committee may have.

Sincerely,

Heidi Selzler-Echola, MSN, APRN, WHNP-BC
Medical Director
Canopy Medical Clinic