

Testimony in Support of HB 1217 to End Discriminatory HIV Practices in North Dakota

Dear Chair Ruby and Members of the Human Services Committee,

My name is Dr. Tracie Newman, and I am a pediatrician and public health educator in North Dakota. I am here today to express my strong support for HB 1217, a bill that seeks to repeal Section 12.1-20-17 of the North Dakota Century Code, which criminalizes individuals living with HIV. This outdated and discriminatory statute not only undermines public health efforts but also creates unnecessary harm for vulnerable populations, including infants, children, and mothers.

Harms to Infants, Children, and Mothers

As a pediatrician, I witness the far-reaching impacts of stigma and inequitable healthcare policies on families. This law discourages individuals—especially pregnant women—from seeking timely HIV testing and treatment due to fear of criminalization. The consequences of this are profound:

- Without early diagnosis and treatment, **infants are unnecessarily placed at risk of perinatal HIV transmission**, a preventable outcome with modern medical interventions.
- Mothers who are afraid to seek care may delay or avoid accessing antiretroviral therapy, a treatment that reduces the risk of mother-to-child transmission to nearly zero.
- Families already facing the challenges of managing HIV must navigate additional layers of stigma and potential legal repercussions, which can destabilize the supportive environments children need to thrive.

Discriminatory Nature of Current Law

Section 12.1-20-17 of the North Dakota Century Code singles out individuals living with HIV for felony charges, treating this illness differently than any other infectious disease, regardless of its transmissibility or severity. Diseases like hepatitis B and C or tuberculosis—also transmissible and potentially life-threatening—are appropriately addressed through public health measures, not criminal statutes. This disparity is discriminatory and unjust.

Perpetuation of Stigma and Barriers to Care

The criminalization of HIV perpetuates harmful stereotypes, fostering stigma that discourages testing and treatment. Research consistently demonstrates that stigma significantly reduces the likelihood of individuals seeking care, undermining efforts to control the spread of HIV. HB 1217 offers an opportunity to replace punitive measures with policies that support prevention and treatment, ultimately protecting public health.

Advancements in HIV Prevention and Treatment

When the current law was enacted over 40 years ago, it reflected a time of limited understanding about HIV. Today, we live in a vastly different era:

- Modern antiretroviral treatments can suppress viral loads to undetectable levels, rendering HIV untransmittable—a concept known as “U=U” (Undetectable = Untransmittable).

- Pharmaceutical prevention methods, such as pre-exposure prophylaxis (PrEP), have transformed HIV prevention, drastically reducing new infections.
- These advancements render the basis for HIV criminalization outdated and counterproductive.

Criminalization Increases Public Health Risks

Contrary to its intended purpose, the criminalization of HIV creates greater risks of transmission. Peer-reviewed studies show that punitive policies discourage testing and treatment, while supportive, evidence-based interventions increase the likelihood that individuals will access care and prevent further transmission.

A Call for Evidence-Based, Equitable Policies

HB 1217 represents an opportunity for North Dakota to align its laws with current scientific understanding and public health best practices. All North Dakotans deserve policies that promote health, equity, and dignity. Repealing this outdated statute will help reduce stigma, encourage individuals to seek care, and ultimately protect public health.

Conclusion

I urge you to support HB 1217 and take a decisive step toward eliminating discriminatory practices that harm individuals, families, and communities across North Dakota. This legislation is an essential step toward creating a healthier, more equitable future for everyone in our state.

Thank you for your time and thoughtful consideration of this important issue.

Sincerely,

Dr. Tracie Newman, MD, MPH, FAAP