

Testimony
House Bill No. 1217
House Human Services Committee
Representative Ruby, Chairman
February 3, 2025

Chairman Ruby, and members of the House Human Services Committee, I am Lindsey VanderBusch, Sexually Transmitted and Bloodborne Diseases Unit Director with the ND Department of Health and Human Services. I appear before you in support of House Bill No. 1217.

Thank you for the opportunity to speak with you today about this very important matter. This bill aims to repeal section 12.1-20-17 of the North Dakota Century Code, a law that makes it a felony to willfully transfer body fluid containing the HIV virus.

I strongly encourage you to support this repeal because the current law is unnecessary and has unintended consequences. North Dakota has continued to make progress in addressing the HIV epidemic, and removing this law would be another important step forward in reducing stigma associated with this infection, which, in turn, improves opportunities to connect at-risk people with needed services.

At the time this law was passed, HIV was seen as a life-threatening condition with no effective treatment. Today, people with HIV who take antiretroviral therapy (ART) can achieve an undetectable viral load, meaning they cannot transmit the virus to others sexually. The current law is based on outdated science and does not account for these advancements. Repealing this law ensures our legal system reflects advances in HIV Management without imposing unnecessary restrictions.

More than 12 states have already modernized or repealed their HIV Criminalization laws, including Georgia, Iowa, Missouri, and Texas, which repealed its law in 1994. These states recognize that additional, disease-specific laws like section 12.1-20-17 are unnecessary.

While HIV is still a serious and lifelong infection, and its use with malice against another person is abhorrent. Existing laws already provide strong protections against intentional harm. Repealing section 12.1-20-17 will not leave the public unprotected but will eliminate an outdated and unnecessary statute.

As someone whose job it is to protect people from HIV, a responsibility I take very seriously, I do not find that this law is useful in that endeavor. It detracts from effective tools like encouraging testing, treatment, and open communication. Repealing this law would allow us to better focus on proven strategies to prevent the spread of HIV and support those living with the condition.

In conclusion, I urge you to repeal this unnecessary, redundant law. Repealing section 12.1-20-17 ensures our laws are practical, streamlined, and reflective of current science.

This concludes my testimony. I would be happy to answer any questions the committee may have. Thank you.