



North Dakota House of Representatives

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House Bill 1217 House Human Services Committee Testimony of Rep. Gretchen Dobervich, Bill Sponsor February 3, 2025

Good Afternoon Chairman Ruby and Members of the House Human Services Committee. For the record my name is Representative Gretchen Dobervich and I work for the people of District 11 in Fargo. I bring you House Bill 1217, a bill to repeal North Dakota Century (NDC Section 12.1-20-17.

Under this section of NDCC a person who knowingly transfers the Human Immunodeficiency Virus, commonly referred to as HIV, to another person without their knowledge, may be charged and convicted of a Class A felony which carries a maximum penalty of 20 years in prison and up to a \$20,000 fine.

HIV is the only infectious disease that carries a felony charge for knowingly infecting another person. Knowingly infecting another person with an infectious disease, except HIV, falls under North Dakota Century Code 23-07-21.3, *a person is guilty of an infraction if they knowingly transmit a sexually transmitted disease with intent to infect another*. The penalty for an infraction is a maximum fine of \$1,000. It is discriminatory that people with one infectious disease are treated differently than people with other infectious disease in the case of intentional transmission.

North Dakota's HIV law was instituted in the late 1980s/early 1990s when little was known about HIV, the virus still commonly resulted in disease progression to Acquired Immune Deficiency Syndrome (AIDS), and eventual death. Thirty plus years later new cases of HIV have dramatically decreased. In 2023 new cases of Hepatitis C were 40.2 per 100,000, HPV related Cancers were 12.6 per 100,000, and HIV was 11.3 per 100,000.

Like Hepatitis C and HPV related Cancers there are now effective treatments. Current HIV treatment can render viral loads to an undetectable level in which the virus cannot be transmitted to another person. Deaths the result of complications associated with HIV in 2022 were 1.3 per 100,000, while deaths the result of Hepatitis C were 3.18 per 100,000 for comparison. HIV fatality has dropped dramatically since the law was written.

Since this law was created effective medical prevention, known as PrEP and PEP, have also become available. It is time to repeal North Dakota Century Code Section 12.1-20-17 to reflect the medical advances that prevent the spread of HIV and in managing the infection so successfully it can be untransmissible.

In his first term President Trump issued the *Ending the HIV Epidemic* declaration. Its goal is to end HIV by 2030. There is no evidence that North Dakota Century Code Section 12.1-20-17 has reduced cases of HIV towards this goal. HB 1217 will contribute to reduction in stigma and fear that has been proven to keep many people at risk of HIV from utilizing prevention, getting tested, and if positive, getting treatment, which will. A Do Pass recommendation on HB 1217 updates ND law to reflect 21st Century advances in HIV prevention and treatment, eliminates a discriminatory law, and encourages citizens at risk to seek testing and if needed treatment.

Chairman Ruby and Members of the Committee, that ends my testimony. Please note that all statistics used in my testimony are from the Centers for Disease Control and Prevention website and were pulled after the website was modified to comply with Presidential Executive Orders. I stand for any questions.

