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## **BACKGROUND**

### **History of Task Force and HIV Modernization in NV**

In 2019, Senate Bill 284 was passed and signed by Governor Steve Sisolak to create the Advisory Task Force on Human Immunodeficiency Virus (HIV) Exposure Modernization. The Task Force met throughout 2020 to conduct a comprehensive examination of the statutes and regulations in the State of Nevada related to the criminalization of exposing a person to HIV. After hearing from and consulting with several individuals and organizations, the Task Force submitted a report to the Governor and the Legislative Counsel Bureau in 2020. That report helped influence Senate Bill 275 in 2021.

SB275 (2021), sponsored by Senator Dallas Harris, revises provisions relating to communicable diseases. This bill modernized HIV criminalization laws and other laws relating to public health and criminal justice. Among other changes, the bill achieved the following:

- Repealed Nevada's HIV-specific criminal offense
- Repealed felony punishment for engaging in illegal sex work after a positive HIV test
- Repealed an outdated law that allowed for confinement of people living with AIDS
- Repealed a statute that allowed Nevada inmates to be segregated based on HIV status
- Repealed a statute that authorized STI testing of an alleged perpetrator of a sexual offense
- Amended statutes relating to the authority of health departments to investigate and control the spread of communicable diseases
- Amended a statute that makes it a misdemeanor for a person with a communicable disease to potentially expose others to the disease
- Amended a statute relating to testing someone who may have exposed a public employee (such as law enforcement) to a communicable disease
- Updated statutory language to ensure HIV/AIDS are used correctly and to remove stigmatizing language.
- Adds a statement of intent to use people first language that is respectful when referring to people living with HIV
- Declares that the spread of communicable diseases is best addressed through public health measures rather than criminalization.

The bill also reestablished the Advisory Task Force on HIV Exposure Modernization for the 2021-2022 interim before Nevada's 82nd (2023) Legislative Session.

### **Task Force Members**

Senate Bill 275 (2021) allows the Governor of Nevada to appoint no more than fifteen members to the Advisory Task Force on HIV Exposure Modernization. To the extent practicable, the Governor should reappoint members from the 2019-2020 Task Force. The bill also notes the importance of appointing Task Force members who are members of the LGBTQ+ community, women, persons living with HIV, and sex workers. The following individuals were appointed by Governor Sisolak to be part of the Task Force: Quentin Savwoir, Chair; Stephan Page, Co-Chair; Senator Dallas Harris; Jesus (JP) Coleman; Vince Collins (resigned July 2022); Gary Costa; Caesar Espinoza; Jennifer Howell; John (Rob) Phoenix; Cheryl Radeloff; Andre' Wade; and

Martin Walker (resigned May 2022). The Task Force received support from staff at the Nevada Division of Public and Behavioral Health. Of these ten Task Force members, 6 of them had also served on the 2019-2020 Task Force.

### **Assignments for the Task Force**

SB275 (2021) assigned the following tasks to members of the Task Force:

- Solicit input from persons and nongovernmental agencies with expertise in matters relevant to the Task Force in carrying out its duties, including, without limitation, persons, organizations, and communities that are directly affected by current statutes and regulations of this State that criminalize exposure to HIV or mandate HIV testing or disclosure as part of any civil or criminal law, or are likely to be affected by any law or policy recommended by the Task Force.
- Research the implementation and impact of such statutes and regulations of this State that criminalize exposure to HIV, including, without limitation, quantifying their impact through the analysis of records, information and data relevant to this State.
- Identify any disparities in arrests, prosecutions or convictions under such statutes or regulations related to race, color, sex, sexual orientation, gender identity or expression, age or national origin.
- Evaluate current medical and scientific research with respect to the modes of HIV transmission implicated by such statutes and regulations.
- Identify any court decisions enforcing or challenging such statutes and regulations.
- Make recommendations concerning any matter relating to the above duties, including, without limitation, recommendations concerning proposed legislation, proposed regulations and policies

### **Acknowledgements**

The Task Force would like to thank the following State of Nevada staff for their ongoing commitment, assistance, and guidance: Tory Johnson (Section Manager in the Office of HIV, Division of Public and Behavioral Health) and Pierron Tackes (Deputy Attorney General representing the Division of Public and Behavioral Health). We would also like to thank other staff within the Office of HIV who contributed to the Task Force. We express our gratitude to Linda Anderson (former Chief Deputy Attorney General) with the Nevada Public Health Foundation for her support and dedication to the Task Force and our work.

Nevada's HIV modernization efforts have been fueled by advocates, government officials, public health experts, policy experts, and organizations in Nevada and throughout the country. Thank you to everyone who joined our Task Force meetings to discuss and present on important topics, including the following individuals: Russ Alfano (Nevada Department of Corrections), Nathan Orme (Behavioral Health Bureau of Health Care Quality and Compliance, Division of Public and Behavioral Health), Macy Haverda (Signs of Hope), Serena Evans (Nevada Coalition to End Domestic and Sexual Violence). Lastly, thank you to Nevada Legal Services for collaborating with the Task Force to create informational flyers about SB275, including the following individuals who joined our meetings: Kwame Bell, Briana McNamara, and Kristopher Pre.

## **SUMMARY OF TASK FORCE WORK**

This current (2021-2022 interim) Advisory Task Force on HIV Exposure Modernization held its first meeting on February 3, 2022. Andre' Wade, the Chair of the 2019-2020 Task Force, provided an overview of Senate Bill 284 (which created the original 2019-2020 Task Force) and Senate Bill 275 (Nevada's HIV modernization bill that reestablished the Task Force). The first order of business was the nomination and election of Quentin Savvoir as Chair of the Task Force and Stephan Page as Co-Chair. Task Force members also agreed to meet biweekly (every other Thursday) at 5pm. The Task Force adopted the same bylaws from the 2019-2020 Task Force (with a few changes to reflect current dates and language in SB275) on March 3, 2022.

Senate Bill 275 of 2021 already modernized many of the laws that the 2019-2020 Task Force identified and recommended for amendment or repeal. Therefore, there was consensus among the Task Force members that our focus would include identifying concerns or issues with SB275 from interested/affected parties, identifying other statutory issues that were not addressed by SB275, and discussing other ways to modernize HIV laws and improve outcomes for people living with HIV. Several initial topics were presented regarding SB275 and concerned parties.

A primary concern was the impact of SB275's repeal of NRS 441A.320. A few different organizations were concerned with the repeal of this statute, including health departments and law enforcement. On top of that, the original version of SB275 received some pushback from representatives of firefighters and other first responders. Many discussions with these representatives occurred in 2021 and language in the bill was amended to accommodate their concerns. Nonetheless, the Task Force felt that it was important to hear from these representatives to confirm their position on the bill. Nevada health departments also had some concerns regarding some of the recommendations that the 2019-2020 Task Force submitted. Consequently, the Task Force also wanted to include the views of these health districts. Lastly, the Task Force wanted to hear from the Nevada Department of Corrections (NDOC) regarding the repeal of NRS 209.385. Despite our support for the statute's repeal, the Task Force wanted to ensure that NDOC was complying with its repeal while still offering testing and education around HIV and STIs.

The Task Force also realized that there was a big need to engage communities around the impact of SB275 and to educate people about its passage. Members of the Task Force reached out to organizations that represent specific communities that we felt were most impacted by SB275 and the Task Force's work. We also invited them to participate in the Task Force by tuning in to our open meetings or by applying for an appointment to join the Task Force. Members of the Task Force also discussed ways in which we can spread the word about SB275. Members decided that an informational flyer should be created so that it can be posted and disseminated.

The Task Force considered the possibility of making SB275 apply retroactively in order to clear the records of individuals who were criminalized under statutes that SB275 repealed. Members also discussed other topics including HIV modernization reforms in other states, HIV/STI testing and treatment for minors, and support for victims of sexual assault. When Rob Phoenix was appointed to the Task Force in August 2022, he introduced several new ideas for issues that the

Task Force should address. Some of these issues included prohibiting co-pay accumulation, requiring all insurances in NV to cover all HIV/STI treatments and prevention medications, encouraging HIV/Hepatitis C (Hep C) testing for Nevada inmates, ensuring standards of care for Nevada inmates regarding HIV and Hep C, and removing other barriers to healthcare access.

Rob Phoenix also informed Task Force members that the 2023 HIV Fast Track Cities Conference was looking for a host city. He presented the benefits of having the conference be held in Las Vegas considering the important work that has been accomplished in Nevada regarding HIV care and policy. The Task Force approved a letter in support of the conference being held in Las Vegas.

Throughout 2022, there were public hearings regarding LCB File No. R002-22. The Task Force was interested in this proposed regulation because it related to HIV; more specifically, it related to Senate Bill 211 of 2021 which relates to HIV/STI testing. There was some opposition among Task Force members to the definition of “medically indicated” that was being used. The Task Force drafted a letter in support of the regulation but stating our opposition to the definition of “medically indicated” in the errata. In August 2022, the upcoming public hearing was canceled and a working group was created to refine the regulations. Consequently, our letter has not been submitted to the State Board of Health as of the writing of this report

In December of 2022, the Task Force learned of a Nevada inmate being charged with a crime relating to the possible transmission of a communicable disease. The law in question, NRS 212.189, is similar to another law that the 2019-2020 Task Force recommended for amendment in order to further protections for people with communicable diseases. Task Force members felt that it was important for us to review this statute and make a possible recommendation.

Finally, members have also discussed the possibility of reestablishing this Task Force for future interim periods. The consensus among members is that reestablishing the Task Force would be important because there are more conversations to be had and more legislative reforms to recommend. The Task Force would have to be reestablished through legislation; as of the writing of this report, Task Force members are actively seeking a bill sponsor to carry such legislation.

More information about all of the work described in this summary can be found in the proceeding sections of this report.