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Director



**DEPARTMENT OF
HEALTH AND HUMAN SERVICES**
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
Helping people. It's who we are and what we do.



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**Senate Bill 275 (2021) –
ADVISORY TASK FORCE ON HIV EXPOSURE MODERNIZATION**

March 3, 2022

5 PM

Microsoft Teams Teleconference

APPROVED ON MARCH 31, 2022

1. Call to Order, Roll Call – Tory Johnson, Office of HIV

TASK FORCE MEMBERS PRESENT:

Jennifer Howell
Quentin Savwoir - Chair
Andre' Wade
Cheryl Radeloff
Stephan Page – Co-Chair
Jesus "JP" Coleman

TASK FORCE MEMBERS ABSENT:

Gary Costa
Martin Walker
Vince Collins (Excused)

OFFICE OF HIV STAFF PRESENT:

Tory Johnson

GUESTS PRESENT:

Linda Anderson

Tory Johnson conducted the roll call and called the meeting to order at 5:05 pm. Six (6) of the nine (9) members were present.

2. Public Comment – Chair Quentin Savwoir
The following statement was read, with no public comment following statement was read:
No action may be taken on a matter raised under this item of the agenda until the matter itself has been included specifically on an agenda as an item upon which action will be taken.

Tory Johnson provided Task Force members with information on where agendas and

minutes for the meetings would be, should that meeting notifications are not sent out in a timely fashion to the members.

3. For Possible Action – Review of February 17, 2022, meeting minutes – Chair Savwoir

Meeting minutes from February 17, 2022, were not readily available.

4. For Possible Action – Review of existing bylaws and possible action to edit or amend bylaw language. Informational Only – Chair Savwoir

There was discuss around taking language from SB 275 (2021) and incorporate into the bylaws from the previous task force bylaws. There was discussion around the composition of the task force, which remains at 15 members total, with one (1) legislative representative, which has yet to be named or made. There was discussion around how many slots are still open, which is six (1), encompassing one (1) yet to be named legislative representative. There was also discussion around absences, and it was decided to leave the bylaws language as is. Also, the task force asked program staff from the Office of HIV to update any dates in the bylaws with current dates. It was also determined to leave the meeting frequency as is for the time being and that the task force would be meeting bi-weekly for the foreseeable future, or until the report is submitted to the Governor’s Office and LCB.

All members were in favor of changes proposed.

5. For Information Only – Review of SB284 (2019) Report to the Governor, and Director of the Legislative Counsel Bureau for transmittal to the 81ST Session of the Legislature – Chair Savwoir

Open discussion around next steps regarding looking at any statutory recommendations and if they were met or needed to be included in the SB 275 (2021) report:

- a) Recommend that AIDS be removed from stature, which was accomplished in SB 275.
- b) NRS 201.205 – adopted as recommended, whole law was repelled.
- c) NRS 201.356 & 358 – related to sex workers living with HIV, SB 275 repelled both laws
- d) NRS 201.385 – recommendations adopted, did repeal the statue. Related to HIV prisoners. Statue related to testing was not adopted, no statue added to public health code. Some discussion around whether HIV information was going to be provided to prisoners. It was repelled as well. Discussion around adding HIV education in the SB 275 (2021) recommendation. Is this for staff or prisoners, if for prisoners, it could possibly include a fiscal note, which may not be successful. Recommendation was to put the emphasis on education for staff which could trickle down to prisoners. The statue did state for prisoners and staff. The task force decided to recommend that training be reimplemented for staff at this time only. Perhaps adding something, if possible, including education to prisoners as well. Maybe also recommending that prisoners are encouraged to be testing for communicable diseases, such as HIV, as this may be the only point of contact for someone to be tested. Unintended consequences of this bill be passed, it repealed the testing, we encourage corrections to offer this testing.

Additional discussion around how these thoughts fit with federal testing guidelines, so

- that there isn't any conflict with recommendations in the next report. Quick google search indicated that there are federal requirements for testing. Stephen Page and Jennifer Howell stated they would go back and research this talk about it at the next meeting. Recommendation to have someone from the Department of Corrections to talk about this as well.
- e) NRS 441A.160 – Recommended to amend around powers of health authorities. Language be added that health authority giving a reason as to why they are ordering this. Was adopted and will be put into stature.
 - f) NRS 441A.180 – Recommend law be amended. The 2nd part was adopted. Affirmative defense was included, along with additional language that protects anyone with a communicable disease from being wrongfully penalized. It has come up in discussion that sex workers living with HIV cannot work in brothels. The new law does not allow health authorities from preventing someone identified as such from working in a brothel. More discussion is happening around this. Recommendation that brothel industry should be invited to these discussions as well. A task force member has reached out to the Cup Cake girls, as well as informing them there are slots open for them to be on the task force as well. It was recommended that workers, as well as owners should be involved.
 - g) NRS 441A.230 – Recommend that it amend infected to diagnosis, and this regulation was adopted.
 - h) NRS 441A.300 – Recommend that it be repealed, incorrectly used AIDS instead of HIV, and it was.
 - i) NRS 441A.320 – If a victim of sexual assault, the preparator would be required to be tested, it was recommended that it be flipped. What happened was that the bill was repealed entirely. The part that was negotiated was victim's/survivors bill of rights is provided and goes through the Attorney Generals' Office. Robust discussion regarding the true intent and unintended consequences of this bill. Has come up two – three times regarding public health action. Would like to have further discussion around this. Also recommend have sexual assault groups come in and talk about their work and the unintended consequences that happened with the original recommendations. Victim rights were impacted by this repeal as well. Also, discussion came up around testing victims for communicable diseases. Questions came up does this deal with youths and minors as well. Does this include information from CPS in relation to youths and minors?
 - j) NRS 441A.195 – Recommended that this law be amended. Was in relation to public workers, such as police or fire fighters, if they felt that they have potentially exposed to HIV the person who exposed them could be required to be tested. Recommendation was not adopted. Fire Fighters took issue with the recommendations. Fire Fighters wanted some additional information to be added. Suggestion was to table and revisit this to possibly be included in SB 275 (2021) recommendations. Question was brought were EMTs included in the fire fighters, and the thought was that they were include in first responders. Consensus was to revisit this further in current work being done. Possibly have first responders provide discussion around this a bit more. Wording changes were possibly changed to likely.
6. For Informational Only – Discussion regarding article – “Enforcement of HIV Criminalization in Nevada,” published by UCLA School of Law Williams Institute in May 2021 - Chair Savvoir

Suggestion was to look at data pieces of this report to inform any next steps for the SB 275 (2021) recommendations. Nevada Department of Corrections (NDOC) was collected information related to trans people. Should do a crosswalk between SB 109 (2021) and SB 275 (2021). NDOC should be changing their data collections records. It was noted on page 5 of the document that the numbers may not be adding up. Further discussion that the information contained in the report references back to the tables and that the two (2) tables are not necessarily reflective of the sum of HIV cases.

Discussion around community partners that have been reached out to, including sex workers. In 2020, when the original task force was forming, attempted to engage a sex worker group and they attended a few meetings initially. Will need to try to engage that group again. Stephan reported having reached out to S.W.A.N. and attempting to engage with them about joining the task force.

7. For Possible Action – Overview of submissions required by SB 275 (2021) and possible action to establish strategy, including engaging of a law firm to complete research, as needed.

Task force inquired about work being done around SB 275 (2021) into NAC. Tory Johnson provided an update on work around that which included working with DPBH DAG and an ad hoc group and more details to come. Inquiry around legal research done and if Silver State Equality would assist with this. It was reported that the previous legal work being done was pro bono. Andre' stated he could investigate this option through Silver State again. Stephan stated that the HIV Modernization Coalition may be able to get other funding to being able to do a scan of statute and research that way was well. Andre' stated that there could be a duplication of effort and perhaps the task force would need to investigate this a bit more before working with the HIV Modernization Coalition.

8. For Possible Action – Strategy discussion pertaining to community outreach partners and possible action to implement any next steps, as well as recruitment of remaining six (6) Advisory Task Force members. – Chair Savwoir

Stephan mentioned that the co-chair of the HIV Modernization Coalition inquired if there were any women with HIV on the task force and wanted to make sure that representation was on the task force. Suggested reaching out to HIV+ women to recruit. Question came up if Connie is interested, and she was wanting to allow someone else to be involved but if there isn't she could possibly apply again. It was discussed that there is enough room with six vacancies now. Question brought up if it's possible to find out how many people applied but were not appointed. What about legislative representation, and if Andre' was aware if Senator Dallas Harris was going to reapply. Andre' stated she intended to apply but has been out of the country.

Does this include education about the changes included in SB 275 (2021)? Perhaps community partners like Legal Aid of Southern Nevada that can educate about the law's changes. Also, include Nevada Legal Services, & Washoe Legal Services as well, if possible.

Side note: Stephan is going to reach out HIV Policy Law Center regarding if SB 275 (2021) is retroactive.

9. For Possible Action – Make recommendations for next meeting’s agenda.

Move Agenda Items #7, & #8 to the next meeting

Question to the DPBH DAG regarding how the task force can engage and/or community presentations, etc.

10. Public Comment – Chair Quentin Savvoir

The following statement was read, with no public comment following statement was read: *No action may be taken on a matter raised under this item of the agenda until the matter itself has been included specifically on an agenda as an item upon which action will be taken.*

11. Adjournment – Chair Savwior

Chair Savvoir motioned for adjournment of the meeting. The meeting adjourned at 6:53 pm.