NEW YORK CITY BAR

REPORT ON LEGISLATION BY THE CIVIL RIGHTS COMMITTEE

A.733	**M. of A. González-Rojas**
S.4545	**Sen. Hoylman-Sigal**

AN ACT to amend the criminal procedure law and the penal law, in relation to criminal liability for persons living with sexually transmitted infections who engage in sexual activity; and to repeal section 2307 of the public health law relating to persons knowing themselves to be infected with venereal disease

Repeal STI Discrimination Act

THIS BILL IS APPROVED

The New York City Bar Association (the "City Bar"), through its Civil Rights Committee, LGBTQ Rights Committee, and Mass Incarceration Task Force supports legislation A.733 (AM González-Rojas) / S.4545 (Sen. Hoylman-Sigal), also known as the "Repeal STI Discrimination Act." The Repeal STI Discrimination Act would eliminate a criminal statute that undermines public health efforts and has a vast disparate impact on lesbian, gay, bisexual, transgender, and queer ("LGBTQ") people and other vulnerable minorities.

The Repeal STI Discrimination Act seeks to repeal Section 2307 of the New York State Public Health Law ("Section 2307")—an antiquated, ineffective,[1] and harmful law. Section 2307 states, "Any person who, knowing himself or herself to be infected with an infectious venereal disease, has sexual intercourse with another shall be guilty of a misdemeanor." A person can be held criminally liable regardless of whether they disclose their sexually transmitted infection (STI) status, if their partner consents, or if they use protection.

N.Y. Pub. Health Law § 2307 was enacted in a different era, under vastly different understandings of public health and medical science.[2] The law first came into effect into 1909

[1] Patricia Sweeney et al., *Association of HIV Diagnosis Rates and Laws Criminalizing HIV Exposure in the United States*, AIDS (June 2017), *available at* https://pmc.ncbi.nlm.nih.gov/articles/PMC11268366/ (All websites last accessed on Feb. 26, 2025).

[2] Center for Disease Control, *HIV Criminalization and Ending the HIV Epidemic in the U.S.* (Jan. 2023), *available at* https://stacks.cdc.gov/view/cdc/124122#:~:text=May%20Also%20Like-

About the Association
The mission of the New York City Bar Association, which was founded in 1870 and has 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

to control the spread of venereal disease in the armed forces. In 1946, the legislature made the law applicable to the general public for the first time. Seventy-six years later the law, now based on obsolete medicine and history, remains an unchanged relic.[3]

Laws like this can discourage people from seeking testing and treatment for STIs,[4] undermining public health efforts and exacerbating the spread of these infections. Modern epidemiology emphasizes the importance of widespread testing and open communication with healthcare providers[5]—practices that are hindered by the threat of criminal penalties. The American Medical Association, the Center for Disease Control, the White House, and the United Nations all oppose health status criminalization.[6]

Moreover, the application of this law has significant civil rights and civil liberties implications. Section 2307 disproportionately harms marginalized communities, including people of color,[7] LGBTQ+ individuals,[8] and sex workers.[9] These groups already face significant barriers[10] to accessing healthcare, employment, and housing, and a criminal record only exacerbates these challenges. Prudently, the pending repeal bill also provides for the automatic expungement and sealing of past convictions under this law. This is a crucial step in righting past wrongs and allowing individuals to move forward without the burden of an unjust criminal record.

,HIV%20criminalization%20and%20ending%20the%20HIV%20epidemic%20in%20the%20U.S.,%5BPDF%20%2D%20277.49%20KB%5D.

[3] Center for HIV Law and Policy, Legal Action Center, New Pride Agenda, Make the Road New York, NYCLU, Transgender Law Center, Lambda Legal, & GMHC, REPEAL STI Discrimination Act (February 2023), *available at* https://www.lac.org/assets/files/REPEAL-STI-Discrimination-Act-Fact-Sheet.pdf.

[4] Maya Kesler et al., *Prosecution of Non-disclosure of HIV status: Potential Impact on HIV testing and Transmission among HIV-negative Men who have Sex with Men*, PlosOne (Feb. 2018), *available at* https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0193269.

[5] Center for Disease Control, *Getting Tested for STIs*, https://www.cdc.gov/sti/testing/index.html.

[6] See CHLP, *The AMA Adopts a Resolution Opposing HIV Criminalization (2014)*, The Center for HIV Law and Policy (June 9, 2014), *available at*: https://www.hivlawandpolicy.org/news/ama-adopts-resolution-opposing-hiv-criminalization-2014; Center for Disease Control, *HIV Criminalization and Ending the HIV Epidemic in the U.S.* (Jan. 2023), *available at* https://stacks.cdc.gov/view/cdc/124122#:~:text=May%20Also%20Like-,HIV%20criminalization%20and%20ending%20the%20HIV%20epidemic%20in%20the%20U.S.,%5BPDF%20%2D%20277.49%20KB%5D; White House, *FACT SHEET: The Biden-Harris Administration's Efforts to End HIV/AIDS at Home and Abroad* (November 29, 2024), *available at*: https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2024/11/29/fact-sheet-the-biden-harris-administrations-efforts-to-end-hiv-aids-at-home-and-abroad-2/; and UNDP and UNAIDS, *Policy Brief: Criminalization of HIV Transmission*, (Dec. 6, 2015), *available at* https://www.undp.org/publications/undp-and-unaids-policy-brief-criminalization-hiv-transmission.

[7] Center for Disease Control, *Fast Facts: HIV in the US by Race and Ethnicity* (May 21, 2024), *available at* https://www.cdc.gov/hiv/data-research/facts-stats/race-ethnicity.html.

[8] Human Rights Campaign, *How HIV Impacts LGBTQ+ People* (February 2017), *available at* https://www.hrc.org/resources/hrc-issue-brief-hiv-aids-and-the-lgbt-community.

[9] Gabriela Paz-Bailey et al., *Prevalence of HIV Among U.S. Female Sex Workers: Systemic Review and Meta-analysis* (Nov. 18, 2016), *available at* https://pmc.ncbi.nlm.nih.gov/articles/PMC5114707/.

[10] Center for Disease Control, *Fast Facts: HIV in the United States* (April 22, 2024), *available at* https://www.cdc.gov/hiv/data-research/facts-stats/index.html.

Public health issues should be addressed through medical and educational interventions, not criminalization. We urge the New York State Legislature to pass this important bill this session. By doing so, we will advance public health and justice, and support the dignity and rights of all New Yorkers.

Civil Rights Committee
Evan W. Henley, Chair

LGBTQ Rights Committee
Hayley J. Gorenberg, Chair

Mass Incarceration Task Force
Tess Cohen, Chair

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