

# Executive Summary: Health Impact Review of SHB 1551

## Modernizing the control of certain communicable diseases (2019 Legislative Session)

Evidence indicates that SHB 1551 would likely decrease penalties and collateral consequences, decrease prosecution and involvement in the criminal justice system, and decrease stigma, which could lead to improved health outcomes and decreased inequities for individuals living with HIV.

### BILL INFORMATION

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**Sponsors:** Jinkins, Cody, Stonier, Fey, Appleton, Pollet

#### Summary of Bill:

This summary highlights all provisions in the bill. However, this analysis was scoped to assess only the provisions related to modifying crimes related to transmission of human immunodeficiency virus (HIV).

- Modifies crimes related to transmission of HIV and repeals prohibitions on an individual who has a sexually transmitted disease, other than HIV, from having sexual intercourse if the partner is unaware of the disease.
- Repeals statutes related to counseling for HIV testing, the Office of AIDS, and requirements that agencies establish rules requiring acquired immune deficiency syndrome (AIDS) training for certain professions and employees.
- Updates language and changes references in the control and treatment of sexually transmitted diseases chapter from AIDS or HIV to sexually transmitted disease or blood-borne pathogen.
- Allows a minor of 14 years of age or older to give consent to treatment to avoid HIV infection without a parent or guardian's consent.
- Consolidates and expands rulemaking authority for the State Board of Health relating to control of sexually transmitted diseases.

### HEALTH IMPACT REVIEW

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#### Summary of Findings:

This Health Impact Review found the following evidence for relevant provisions in SHB 1551:

#### *Pathway 1: Decreased Penalties and Collateral Consequences*

This review makes the informed assumption that modifying HIV-related crimes from a felony to a misdemeanor or gross misdemeanor will lower the penalties and collateral consequences associated with the crime. This informed assumption is based on maximum sentences, findings of the U.S. Commission on Civil Rights' report on collateral consequences, and discussions with key informants.

- **Very strong** evidence that decreased penalties and collateral consequences of conviction will likely improve access to employment opportunities, housing, and social services for persons living with HIV convicted of the proposed charge.

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- **Very strong** evidence that improved access to employment opportunities, housing, and social services will likely result in improved health outcomes for individuals living with HIV who are convicted of the proposed charge.

### ***Pathway 2: Decreased Prosecution and Criminal Justice Involvement***

This review makes the informed assumption that modifying HIV-related crimes to include detailed defenses to prosecution in the RCW will likely result in decreased prosecution and criminal justice involvement. This informed assumption is based on proposed defenses to prosecution, key informant interviews with prosecuting attorneys and law enforcement officers, and available Washington State and national data.

- **Very strong** evidence indicating decreased prosecution and criminal justice involvement will likely improve health outcomes.

### ***Pathway 3: Decreased Stigma***

This review makes the informed assumption that modifying HIV-related crimes from a felony to a misdemeanor or gross misdemeanor will decrease stigma for individuals living with HIV. This informed assumption is based on information from key informant interviews.

- **Strong** evidence that decreasing stigma for individuals living with HIV may improve access to and use of healthcare services.
- **Very strong** evidence that increasing access to and use of healthcare services for individuals living with HIV will likely improve health.
- **Very strong** evidence that improving health outcomes for individuals living with HIV will likely reduce health inequities by race/ethnicity; by sex, sexual orientation, and gender identity; and for other potentially marginalized individuals.

## **FULL REVIEW**

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For review methods, logic model, strength-of-evidence analyses, and citations of empirical evidence refer to the full Health Impact Review at

<https://sboh.wa.gov/Portals/7/Doc/HealthImpactReviews/HIR-2020-02-SHB1551.pdf>

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