

Criminal Justice: HIV Criminalization Laws

No updates required since May 22, 2025

What's in this document (click to jump to that section)

Background	2
Equality Map & Additional Resources	3
Summary Table	3
State-by-State Sources & More Detail	5

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as well as to Shawntel Williams, JD, for her research assistance in 2022. ***

Recommended citations:

For the research on HIV criminalization laws:
Center for HIV Law and Policy. 2025. [Mapping HIV Criminalization Laws in the United States](#).

For MAP's overall LGBTQ Equality Maps or state-specific profiles:
Movement Advancement Project. [Year of access]. "Equality Maps: LGBTQ Equality By State."
<http://www.mapresearch.org/equality-maps/>. Data as of [date of access].

Background

HIV criminalization laws criminalize the transmission of, or perceived exposure to, HIV and other infectious diseases. The laws create a strong disincentive for being tested for HIV, and result in adverse public health outcomes. Some laws also criminalize behaviors, such as spitting, that have no risk of HIV transmission. Please note, this is an especially complex area of law, and in many states the HIV criminalization statutes are the result of numerous bills over multiple years.

The [Center for HIV Law and Policy](#) (CHLP) is the leading organization and expert in this area. MAP often consults CHLP research to support this map and the information found below. For more information on any state's HIV-related laws or any other HIV-related policy matters, please consult CHLP's resources.

MAP categories and scoring system, based on research by Center for HIV Law and Policy:

- (-1) HIV-criminalization law and either HIV-specific sentencing enhancements or may require sex offender registration (or both)
- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- (-0.25) No HIV-criminalization law, but does have HIV-specific sentencing enhancements (additional penalties) for sex-related convictions
- (0) No HIV-specific criminal law or policy
- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV

Importantly, even states without a general STI law (let alone an HIV-specific law) may still prosecute people living with HIV, via general criminal statutes like criminal endangerment. See CHLP's research for more information about this.

State-by-State Statutes & More Detail

Alabama

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [ALA. CODE § 22-11A-21](#) or [CHLP's Alabama state page](#)

Alaska

- (-0.25) No HIV-criminalization law, but does have HIV-specific sentencing enhancements (additional penalties) for sex-related convictions
- See [AK STAT. § 12.55.155](#), added by [HB 258](#) (2006), or [CHLP's Alaska state page](#)

Arizona

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [CHLP's Arizona state page](#)

Arkansas

- (-1) HIV-criminalization law and HIV-specific sentencing enhancements or **may require sex offender registration** (or both)
- See [ARK. CODE ANN. § 5-14-123](#), [HB1496](#) (1989, creating law), [HB1061](#) (1997, adding sex offender registration), or [CHLP's Arkansas state page](#)

California

- (-0.25) No HIV-criminalization law, but does have HIV-specific sentencing enhancements (additional penalties) for sex-related convictions
- Formerly, state had HIV criminalization laws and HIV-specific sentencing enhancements. See [SB1002](#) (1988) and [SB705](#) (1998), reformed by [SB239](#) (2017, effective 1/1/18). [SB1080](#) (2010) created the sentencing enhancements that remain today. See also CHLP's "[California: Before & After](#)" factsheet.
- See [Cal. Penal Code 12022.85](#), [SB1080](#) (2010), or [CHLP's California state page](#)

Colorado

- (-0.25) No HIV-criminalization law, but does have HIV-specific sentencing enhancements (additional penalties) for sex-related convictions
- Formerly, state had HIV criminalization law and HIV-specific sentencing enhancements. See [HB 90-1255](#) (1990) and [SB 99-119](#) (1999), reformed by [SB146](#) (2016). See also CHLP's "[Colorado: Before & After](#)" factsheet.
- See [CO Rev Stat § 18-3-415.5](#) or [CHLP's Colorado state page](#)

Connecticut

- (0) No HIV-specific criminal law or policy
- See [CHLP's Connecticut state page](#)

Delaware

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [DEL. CODE ANN. tit. 16, § 2801, HB637](#) (1988), or [CHLP's Delaware state page](#)

District of Columbia

- (0) No HIV-specific criminal law or policy
- See [CHLP's District of Columbia page](#)

Florida

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [FLA. STAT. ANN. § 775.0877](#), HB1519 (1988), HB153 (1993) or [CHLP's Florida state page](#)

Georgia

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [GA. CODE ANN. § 16-5-60\(c\)-\(d\)](#), HB1281/[Law 1988 p1799](#) (1988), or [CHLP's Georgia state page](#)
- In 2022, [SB164](#) changed some existing laws and lessened some penalties, but still retained criminalization aspects. See also CHLP's "[Georgia: Before and After](#)" factsheet.

Hawai`i

- (0) No HIV-specific criminal law or policy
- See [CHLP's Hawaii state page](#)

Idaho

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [Idaho Code § 39-608, HB433/Ch.151](#) (1988; see p271) or [CHLP's Idaho state page](#)

Illinois

- (0) No HIV-specific criminal law or policy
- Formerly, state had HIV-criminalization law only (see now outdated [720 ILCS § 5/12-5.01](#) and HB1871 (1989)). This was reformed by [SB3673](#) (2012) but still retained criminalization aspects. The criminalization laws were fully repealed by [HB1063/SB655](#) (July 2021).
- See [CHLP's Illinois state page](#) or [CHLP's coverage of 2021 repeal](#)

Indiana

- (-1) HIV-criminalization law **and HIV-specific sentencing enhancements** or may require sex offender registration (or both)
- See [IND. CODE § 35-42-2-1\(b\), \(e\), \(g\)](#), SEA 24/P.L. 2-1993 (1993), [SEA 293](#) (2002), [HB1304](#) (2015; sentencing enhancements), or [CHLP's Indiana state page](#)

Iowa

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- Formerly, state had HIV-criminalization law that included sex offender registration. [SF2297](#) (2014) reformed parts of the law, including removing the sex offender registration component, but criminalization aspects remained. See CHLP's "[Iowa: Before and After](#)" factsheet.
- See [IOWA CODE § 709D.2](#) and [IOWA CODE § 709D.3, HF2369](#) Sec. 7 (1998), [HF550](#) (2001; sex offender registration), [SF2297](#) (2014; reform), or [CHLP's Iowa state page](#)

Kansas

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [KAN. STAT. ANN. § 21-5424](#) or [CHLP's Kansas state page](#)

Kentucky

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [KY. Rev. Stat. Ann. § 529.090](#), [KY. Rev. Stat. Ann. § 214.410](#), [SB246](#) (1990), or [CHLP's Kentucky state page](#)

Louisiana

- (-1) HIV-criminalization law and HIV-specific sentencing enhancements or **may require sex offender registration** (or both)
- See [LA. REV. STAT. ANN. § 14:43.5](#), [HB1728](#) (1987), [HB293](#) (1989; sex offender registration), or [CHLP's Louisiana state page](#)

Maine

- (0) No HIV-specific criminal law or policy
- See [CHLP's Maine state page](#)

Maryland

- (0) No HIV-specific criminal law or policy
- See [HB39/SB356](#) (2025) or [CHLP's Maryland state page](#)
- Formerly, state had (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV). See [MD. CODE ANN., HEALTH-GEN. § 18-601.1](#) and [SB719](#) (1989). This was repealed by [HB39/SB356](#) (2025); see also [coverage here](#).

Massachusetts

- (0) No HIV-specific criminal law or policy
- See [CHLP's Massachusetts state page](#)

Michigan

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [MICH. COMP. LAWS ANN. § 333.5210](#), 1988 Acts 487 and 490 (1988), or [CHLP's Michigan state page](#)
- In 2018, [HB6020](#) and [HB6021](#) reformed the state's existing laws, but still retained criminalization aspects. See also CHLP's "[Michigan: Before and After](#)" factsheet.

Minnesota

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [MINN. STAT. § 609.2241](#) or [CHLP's Minnesota state page](#)

Mississippi

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [MISS. CODE ANN. § 97-27-14](#), [HB1298](#) (2004), or [CHLP's Mississippi state page](#)

Missouri

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [MO. REV. STAT. § 191.677](#), [HB1151/1044](#) (1988), [SB347](#) (1997), or [CHLP's Missouri state page](#)
- In 2021, [SB53](#) revised some of the state's existing laws, but still retained criminalization aspects. See also CHLP's [analysis of Missouri's 2021 bill](#).

Montana

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [MONT. CODE. ANN. § 50-18-112](#), [HB661](#)/Ch.440 (1989), or [CHLP's Montana state page](#)

Nebraska

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [NEB. REV. STAT. § 28-934](#), [LB226](#) (2011), or [CHLP's Nebraska state page](#)

Nevada

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [SB275](#) (2021; current policy), [SB514](#) (1993; former policy), [archive of NRS § 201.205](#) (former policy), or [CHLP's Nevada state page](#).
- In 2021, [SB275](#) significantly reformed the state's existing laws, but still retained some criminalization aspects (e.g., state now refers to communicable diseases, but this is [defined to include HIV](#)). See also CHLP's [analysis of Nevada's 2021 bill](#).

New Hampshire

- (0) No HIV-specific criminal law or policy
- See [CHLP's New Hampshire state page](#)

New Jersey

- (0) No HIV-specific criminal law or policy
- State formerly had an HIV-criminalization law, repealed by [S3707](#) (2022). However, [legislative statements](#) around the bill show clear intent that prosecutions can continue, just under the state's criminal endangerment statute. See [CHLP's discussion here](#).
- See [S3707](#) (2022; repeal), [S1297](#) (1997; former policy), [N.J. STAT. ANN. § 2C: 34-5](#) (former policy), or [CHLP's New Jersey state page](#)

New Mexico

- (0) No HIV-specific criminal law or policy
- See [CHLP's New Mexico state page](#)

New York

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [NY PUB. HEALTH LAW § 2307](#) or [CHLP's New York state page](#)

North Carolina

- (-0.5) HIV-criminalization policy only (including general STI laws that enumerate HIV)
 - Note: the state's policy is an administrative regulation, not statutory (i.e., did not originate from a legislative bill). However, violations of the administrative regulations can still result in misdemeanor charges with up to two years imprisonment.
- In 2018, the state's Commission for Public Health revised its earlier 1988 regulations, though criminalization aspects remain. See also CHLP's "[North Carolina: Before and After](#)" factsheet.
- See [10A N.C. ADMIN. CODE 41A.0202](#) or [CHLP's North Carolina state page](#)

North Dakota

- (0) No HIV-specific criminal law or policy
- See [HB1217](#) (2025) or [CHLP's North Dakota state page](#)
- Formerly, state had (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV). See [N.D. CENT. CODE § 12.1-20-17](#) and SB2052 (1989). This was repealed by HB1217 (2025); see also [coverage here](#).

Ohio

- (-1) HIV-criminalization law and HIV-specific sentencing enhancements or **may require sex offender registration** (or both)
- See [OHIO REV. CODE ANN. § 2903.11](#), [HB100](#) (2000), or [CHLP's Ohio state page](#)

Oklahoma

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [OKLA. STAT. tit. 21, § 1192.1](#), HB1798 (1988), or [CHLP's Oklahoma state page](#)

Oregon

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [CHLP's Oregon state page](#)

Pennsylvania

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [18 PA. CONS. STAT. ANN. § 2703](#) and [§ 2704](#) or [CHLP's Pennsylvania state page](#)

Rhode Island

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [CHLP's Rhode Island state page](#)

South Carolina

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [S.C. Code Ann. § 44-29-145](#) or [CHLP's South Carolina state page](#)

South Dakota

- (-1) HIV-criminalization law and HIV-specific sentencing enhancements or **may require sex offender registration** (or both)
- See [S.D. CODIFIED LAWS § 22-18-31](#) or [CHLP's South Dakota state page](#)

Tennessee

- (-1) HIV-criminalization law and HIV-specific sentencing enhancements or may require sex offender registration (**or both**)
- See [TENN. CODE ANN. § 39-13-109](#) or [CHLP's Tennessee state page](#)

Texas

- (0) No HIV-specific criminal law or policy
- See [CHLP's Texas state page](#)

Utah

- (-1) HIV-criminalization law and **HIV-specific sentencing enhancements** or may require sex offender registration (or both)
- See [UTAH CODE ANN. § 76-10-1309](#) or [CHLP's Utah state page](#)

Vermont

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [CHLP's Vermont state page](#)

Virginia

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
 - State also has a law allowing courts to require individuals who are charged with certain crimes (sexual assault, offenses against children, any assault and battery where body fluids may have been exposed) to be tested for STIs (including HIV). However, the law also specifically says that both the test requirement and the test results “shall not be admissible as evidence in any criminal proceeding.” See [HB1416](#) (2023).
- Formerly, state had a general STI law that enumerated HIV. HIV enumeration was removed by [SB 1138](#) (2021), though the general law could still be used to prosecute people living with HIV.
- See [SB 1138](#) (2021; current policy), [VA. CODE ANN. § 18.2-67.4:1](#) (former policy), or [CHLP's Virginia state page](#).

Washington

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- Formerly, state had HIV-criminalization law and required sex offender registration. Sex offender registration repealed and other improvements added by [HB 1551](#) (2020).
- See [HB 1551](#) (2020), [WASH. REV. CODE § 9A.36.011](#), or [CHLP's Washington state page](#)

West Virginia

- (0) No HIV-specific criminal law or policy, but does have general STI law (that does not enumerate HIV) that could be used to prosecute people living with HIV
- See [W. VA. CODE ANN. § 16-4-20](#) or [CHLP's West Virginia state page](#)

Wisconsin

- (-0.25) No HIV-criminalization law, but does have HIV-specific sentencing enhancements (additional penalties) for sex-related convictions
- See [WIS. STAT. § 973.017](#) or [CHLP's Wisconsin state page](#)

Wyoming

- (0) No HIV-specific criminal law or policy
- See [CHLP's Wyoming state page](#)

U.S. Territories

American Samoa

- (0) No HIV-specific criminal law or policy
- See [CHLP's 2015 analysis of HIV criminalization laws in the U.S. territories](#) (p252)

Guam

- (-0.25) No HIV-criminalization law, but does have HIV-specific sentencing enhancements (additional penalties) for sex-related convictions
- See [CHLP's 2015 analysis of HIV criminalization laws in the U.S. territories](#) (p253-255)

Commonwealth of the Northern Mariana Islands

- (0) No HIV-specific criminal law or policy
- See [CHLP's 2015 analysis of HIV criminalization laws in the U.S. territories](#) (p256)

Puerto Rico

- (0) No HIV-specific criminal law or policy
- See [CHLP's 2015 analysis of HIV criminalization laws in the U.S. territories](#) (p257)

U.S. Virgin Islands

- (-0.5) HIV-criminalization law only (including general STI laws that enumerate HIV)
- See [CHLP's 2015 analysis of HIV criminalization laws in the U.S. territories](#) (p258-260)