

Ready, Set,

**REPEAL**

Ending HIV criminalization cannot wait.

A toolkit for advocates



**[The REPEAL HIV Discrimination Act \(H.R. 6111\)](#) would require the federal government to assess and recommend changes to state and federal, criminal and civil laws that discriminate against people living with HIV. The Health Not Prisons Collective has launched a campaign to get this important piece of legislation passed, and we need you to join the fight!**

This toolkit was created for people with *any* level of advocacy experience who want to get involved in the fight against HIV criminalization. It contains all you need to know to be a *fantastic* advocate for the REPEAL HIV Discrimination Act.

Inside you'll find an overview of the REPEAL Act and actions you can take to help it pass the U.S. House of Representatives—including tips, tricks, scripts, and templates for contacting lawmakers and a social media toolkit!

Join us in demanding that the U.S. Congress pass the REPEAL HIV Discrimination Act, furthering our vision of a future in which our communities enjoy their human rights to bodily autonomy and live free from all forms of state violence, including laws subjecting them to discrimination, policing, surveillance, and incarceration.

**Congress must pass H.R. 6111, the REPEAL HIV Discrimination Act now!**

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*Throughout this guide you'll find key terms and phrases that we use to describe different aspects of HIV criminalization and advocacy. Many of these terms are a big part of our organizing philosophy! Find these terms and the detailed way we define them below.*

**Glossary of  
Key Phrases**



# REPEAL ACT: AN OVERVIEW

Sponsored by U.S. House representative Barbara Lee and co-sponsored by 59 other representatives, the [Repeal Existing Policies that Encourage and Allow Legal \(REPEAL\) HIV Discrimination Act of 2022 \(H.R. 6111\)](#) addresses the serious problem of discrimination in the use of criminal and civil laws against people living with HIV.

**If passed, what would the REPEAL Act do? It's a four step process.**


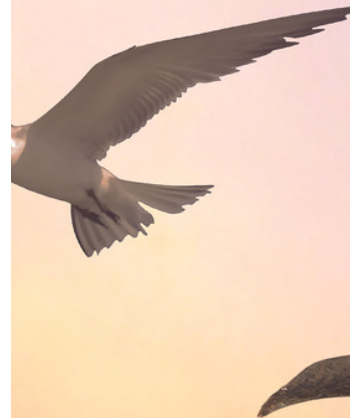
- 1 Review.** Multiple agencies must work together to review federal and state laws & policies, including criminal and related civil commitment cases, involving people living with HIV. This includes the Uniform Code of Military Justice (UCMJ) AND has to happen in consultation with people living with and vulnerable to, HIV.
- 2 Report.** The Attorney General will give Congress a publicly-accessible report detailing the findings of the review.
- 3 Recommend.** The Director of the White House's Office of National AIDS Policy (ONAP) will release updated, public guidance for states to use in dealing with civil and criminal cases involving people living with HIV.
- 4 Modernize (federally).** After the guidance comes down, the agencies will send Congress and the White House detailed proposals for how to actually implement recommended changes to federal laws & policies (including to the Uniform Code of Military Justice!)



## Ok... But what does this really mean?

HIV criminalization laws in the US are mostly at the state level. But the REPEAL HIV Discrimination Act is an important step the federal government can take towards decriminalizing HIV. The reports would force the federal government to grapple with the past and present harms of HIV criminalization. They would pave the way for modernization or repeal by giving states step-by-step guidance to end the discriminatory practice of using civil and criminal penalties to target people living with HIV.

The REPEAL Act would also build the meaningful involvement of people living with HIV (MIPA) into federal law! The bill would require the federal government to consult with people living with HIV (and particularly those who were subjected to HIV-related prosecutions) when developing the reports. This means people living with HIV would have a voice in shaping 1) the review and analysis of unjust laws that govern our bodies, and 2) recommendations that align with our vision of a more just future.



*HIV criminalization is a racial, gender, and economic injustice issue. Punishing people simply because they are living with HIV is clearly discriminatory and reinforces institutional stigma. Check out this overview of HIV criminalization throughout the U.S.*

**Overview of HIV Criminalization**



# TAKE ACTION TO PASS THE REPEAL ACT!

The best way to support the REPEAL HIV Discrimination Act is to contact your representatives and other people who may be of influence. You should target the U.S. House of Representatives because, as of August 2022, that's who can pass H.R. 6111, the REPEAL HIV Discrimination Act. Below you will find a prioritized list of who to contact and how, so that your time and efforts have the most impact!

## Priority #1:

Schedule a meeting with your U.S. House Representative

## Priority #2:

Call your U.S. House Representative

## Priority #3:

Email your U.S. House Representative

*In the following page of this toolkit you'll find messages to add to your communications with your reps tailored by which state you live in! If you'd like to learn more about what the REPEAL Act would mean for your state click the link below.*

[HIV Criminalization by State](#)

*"They've instilled for 20 years that you're a danger to children and your child. You can't go here; you can't go there. You can't be here; you can't be there."*

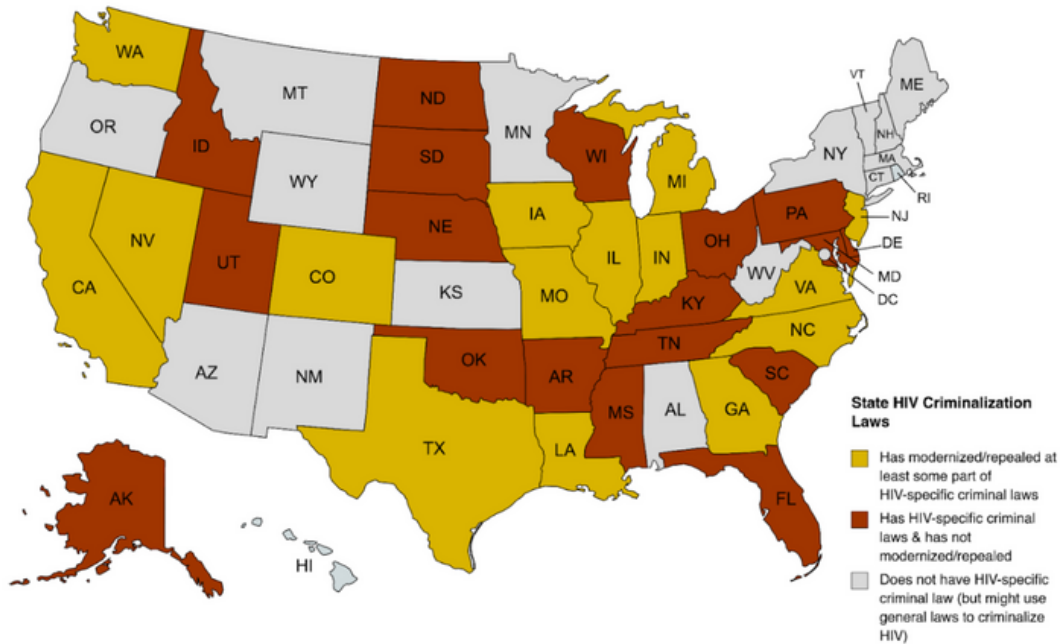
– [Tiffany Moore](#) on how HIV criminalization laws affect her as a mother

”



# ADVOCATE WITH DECISION-MAKERS

What does the REPEAL Act mean for your state?



**Category 1:** Your state has modernized or repealed its laws criminalizing HIV. If your state is in **gold**, your state has, at least in part, done the work to update its HIV criminalization laws.

**Tell your lawmakers:** Our state modernized our HIV criminalization laws to better protect the rights and wellbeing of people living with and vulnerable to HIV. We must do the same on the federal level by passing the REPEAL HIV Discrimination Act.

**Category 2:** Your state has laws explicitly criminalizing HIV and has not modernized or repealed them. If your state is in **maroon**, your state has not yet changed its outdated HIV criminalization laws.

**Tell your lawmakers:** Our state has laws that criminalize people living with HIV, meaning that the state is failing in its obligation to protect the rights and wellbeing of people living with and vulnerable to HIV. We must recognize these rights and help push our state to modernization by passing the REPEAL HIV Discrimination Act.

**Category 3:** Your state or territory does not have laws explicitly criminalizing HIV (but might use general laws to do so). If your state is in **gray**, it does not have an HIV-specific criminal law on the books (and it has not repealed or modernized such laws).

**Tell your lawmakers:** The rights and wellbeing of people living with and vulnerable to HIV in our state are threatened by federal laws that discriminate against people living with HIV. We must support the repeal of these laws and modernization efforts in other states by passing the REPEAL HIV Discrimination Act.



# PRIORITY #1

## Schedule a meeting with your U.S. House Representative

Having a meeting with a lawmaker might seem intimidating. But always remember: they work for YOU! This tactic is probably the most labor intensive, but it's also the tactic that will have the most impact. Plus, you'll build your relationship with your Member of Congress.

**STEP 1** **Send the meeting request email.** A meeting request email is provided for you below. All you need to do is personalize it and send it along! Find the contact information for your U.S. House Representative (and other members of Congress) at [commoncause.org/find-your-representative](https://www.commoncause.org/find-your-representative).

**STEP 2** **Prepare for the meeting.** Positive Women's Network-USA will help you prepare. Just let us know that you have requested a meeting by filling in [THIS FORM](#). Someone from PWN-USA will follow up with you to talk strategy and talking points so you are 100% ready when the meeting comes along.

**STEP 3** **Attend the meeting.** You are probably going to be meeting with a legislative aide rather than your Representative. (And that's a good thing! Aides are subject matter experts.) Use the talking points provided below and add your own personal twist. If you're meeting in person, leave behind [THIS FACT SHEET](#) with the Representative's office. If you're meeting virtually, email the fact sheet with your thanks.

***Tips & Tricks: Remember to thank your representative publicly for even the smallest engagement! Find their social media accounts and shout them out (along with the #REPEALAct) for the world to see.***



[Name of your U.S. House Representative]  
Office of Representative [Full name of House Rep]  
U.S. House of Representatives  
[Month Day], 2022

Dear U.S. Rep. [last name],

I am writing to request a meeting with your office to discuss the Repeal Existing Policies that Encourage and Allow Legal (REPEAL) HIV Discrimination Act, H.R. 6111. I am one of your constituents and look forward to scheduling a meeting at your earliest convenience.

The REPEAL HIV Discrimination Act has already been introduced in the U.S. House of Representatives by Rep. Barbara Lee. It would address the serious problem of discrimination against people living with HIV in criminal and civil laws. The REPEAL Act would call for the assessment and removal of federal laws that target people living with HIV for behavior that is otherwise legal or poses no risk of transmission of HIV. It would also provide states guidance for how to reform other discriminatory criminal and civil commitment laws.

[Add any personal information that your Representative should know about 1) you or 2) your reasons for supporting the REPEAL HIV Discrimination Act.]

HIV criminalization is the unjust use of criminal laws, policies, and practices to punish people living with HIV based on their HIV status. Twenty-eight states and 2 territories have HIV-specific laws that impose criminal penalties based on perceived HIV exposure. They generally do not require intent to transmit HIV, actual transmission, or even a substantial risk of transmission of HIV. They are not based in science or evidence about HIV transmission risks or routes. An extra layer of injustice: six states also require people convicted under HIV-specific laws to register as sex offenders. Twenty-five states have used "general criminal laws" to prosecute people living with HIV. This means the state uses non-HIV specific criminal laws – i.e. laws that could apply regardless of someone's HIV status, such as "aggravated assault" – to penalize people because of their HIV-positive status. In other words, HIV criminalization is discrimination in practice.

HIV criminalization laws are discriminatory, stigmatizing, and outdated. They undermine public health by discouraging HIV testing, fuel stigmatizing and discriminatory myths about HIV transmission, and further marginalize communities already vulnerable to HIV and criminalization (including Black, Indigenous, and other people of color, especially those who are also women, gay and bisexual men, people of trans experience, people who use drugs, sex workers, and immigrants)!

HIV criminalization harms women, femmes, transgender, gender-nonconforming, and nonbinary people. HIV criminalization puts all women living with HIV at increased risk of violence, sexual assault, and trauma. This is especially true for Black and Latinx cis and trans women, who are already disproportionately affected by interpersonal violence. Criminalization can force women to choose between potential partner violence if they disclose their status or risk of arrest if they do not, increase the opportunities for police harassment and brutality, and subject them to arrest and incarceration. The threat of arrest may be used as a tool of abuse, harassment, or coercion and is often a deterrent from accessing HIV testing or treatment.

Passing the REPEAL HIV Discrimination Act would help us move toward a future in which people living with HIV live free from incarceration, state violence, and discriminatory policing, and enjoy their human right to bodily autonomy. I would appreciate the opportunity to further discuss your support of the REPEAL HIV Discrimination Act, why it is important for the state of [INSERT], and how we would like to work with you moving forward to pass the REPEAL Act in the U.S. House of Representatives.

I can be reached by phone (xxx)-xxx-xxxx or by email [INSERT] to set up a meeting time. Thank you for considering this request. I look forward to hearing from you soon.

Sincerely,  
[Your Name]







# PRIORITY #2

## Call your U.S. House Representative

Legislators want to hear from you, and calling is a great, quick way to make sure they know what you have to say! Calling may feel daunting at first, but it can also be a fun and personal way to communicate with representatives and aides. This is a super fast and effective way to get your message right into your legislator's ear.

**STEP 1 Prepare for the call.** No need for major prep – a script is ready for you below. Spend 5-10 minutes familiarizing yourself with the script and practice how you're going to deliver it. Print it out if you need to or read it off your device. Try to add some inflection and passion to your voice so they can tell how much you care!

**STEP 2 Get the phone number.** Find the contact information for your U.S. House Representative (and other members of Congress) at [commoncause.org/find-your-representative](http://commoncause.org/find-your-representative).

**STEP 3 Make the call.** The phone will most likely be answered by an aide who will take your message and pass it on to your representative. If no one answers, you can either leave a voicemail (totally fine!) or call back later. Introduce yourself and share where you are from so they know you're a constituent. When you're prompted, deliver your message. Remember to breathe and speak slowly and clearly.

**Tips & Tricks:** [High call volumes get staffers' and representatives' attention!](#) Get all of you friends and family to call with you. It's a good opportunity to educate your community, make some impact, and have a party.



“Hello, this is [your name] from [city, state]. I would like talk to Representative [Name] about H.R. 6111, the Repeal Existing Polices that Encourage and Allow Legal HIV Discrimination Act of 2022.”

*The aide will probably offer to transfer you or take your message themselves. If they offer to take your message, read the script below in its entirety without waiting for them to ask for more information. If they transfer you, say:*

“Hello, my name is [your name] from [city, state]. I am very concerned about HIV criminalization and want to know that I can count on you to support the REPEAL Discrimination Act of 2022.

The REPEAL HIV Discrimination Act of 2022, H.R. 6111, addresses the serious problem of discrimination in the use of criminal and civil laws against people living with HIV. HIV criminalization is the unjust use of criminal laws, policies, and practices to punish people living with HIV *based on their HIV status*. **In other words, HIV criminalization is discrimination in practice.**

These laws are discriminatory, stigmatizing, and outdated. Most were passed before people knew much about HIV treatment and transmission. They generally do not require intent to transmit HIV, actual transmission, or even a substantial risk of transmission of HIV. They 1) undermine public health by discouraging HIV testing, 2) fuel stigmatizing and discriminatory myths about HIV transmission, and 3) further marginalize communities already vulnerable to HIV and criminalization.

Passing the REPEAL HIV Discrimination Act would help us move toward public health goals of expanding HIV testing and treatment access and ending the HIV epidemic, while reducing stigma and protecting human rights for people living with HIV. Thank you for your time and for considering this request.”





# PRIORITY #3

Email your U.S. House Representative

Not a fan of phone-calls? No problem. Emailing your representative is an easy way to draw attention to the REPEAL Act and it's incredibly easy.

**STEP 1** **Fill in the template.** Copy the pre-written email template below and fill out your information. Make sure you read it over and check to be sure you haven't left any temporary language in there!

**STEP 2** **Get the email.** Find the contact information for your U.S. House Representative (and other members of Congress) at [commoncause.org/find-your-representative](http://commoncause.org/find-your-representative).

**STEP 3** **Send!**

**Tips & Tricks: Most correspondences will be read by a legislative aide, so try to keep your message brief. For example, your letter should be 1 page maximum. See this [guide](#) for more tips.**



*“Today every person living with HIV in a state with laws that criminalize HIV is just one misunderstanding or disgruntled partner away from finding him or herself in a courtroom. A minor infraction of the law or negative encounter with law enforcement while HIV-positive could lead to a felony conviction, a lengthy prison sentence, public shaming and/or registration as a sex offender.”*

– [Robert Suttle](#), who was convicted of intentional exposure to AIDS after a consensual sexual encounter and without confirmation of actual transmission of HIV

Dear [Senator/Representative] [Name],

My name is [your name] and I live in [city, state]. I am very concerned about HIV criminalization and want to know that I can count on you to support the Repeal Existing Polices that Encourage and Allow Legal HIV Discrimination Act of 2022, H.R. 6111.

H.R. 6111, the REPEAL HIV Discrimination Act of 2022 addresses the serious problem of discrimination in the use of criminal and civil laws against people living with HIV. It calls for the assessment of and changes to federal laws that target people living with HIV for behavior that is otherwise legal or poses no risk of transmission of HIV. It also provides support for states to reform their similarly discriminatory criminal and civil commitment laws.

HIV criminalization is the unjust use of criminal laws, policies, and practices to punish people living with HIV *based on their HIV status*. **In other words, HIV criminalization is discrimination in practice.** These laws are discriminatory, stigmatizing, and outdated. Most were passed before people knew much about HIV treatment and transmission. They generally do not require intent to transmit HIV, actual transmission, or even a substantial risk of transmission of HIV. They 1) undermine public health by discouraging HIV testing, 2) fuel stigmatizing and discriminatory myths about HIV transmission, and 3) further marginalize communities already vulnerable to HIV and criminalization.

Passing the REPEAL HIV Discrimination Act would help us move toward public health goals of expanding HIV testing and treatment access and ending the HIV epidemic, while reducing stigma and protecting human rights for people living with HIV. The REPEAL HIV Discrimination Act has already been introduced in the U.S. House of Representatives by Rep. Barbara Lee and I am asking you to commit to voting “yes” on H.R. 6111.

Thank you for your time and for considering this request.

Sincerely,

[Your name]

[Your email address]

[Your phone number]



# SHARING ON SOCIAL MEDIA



Engage over social media and help spread the messaging of organizations working at the forefront of HIV decriminalization by following and uplifting their tweets, Instagram posts, Facebook posts, and virtual events. Here are some accounts to follow:

- [Positive Women's Network – USA \(PWN\)](#)
- [Counter Narrative Project](#)
- [Sero Project](#)
- [U.S. Caucus of People Living with HIV](#)
- [International Community of Women with HIV – North America](#)
- [Prevention Access Campaign](#)
- [Positively Trans](#)
- [Reunion Project](#)
- [THRIVE SS](#)
- [Transgender Law Center](#)

*How do HIV criminalization and abortion rights intersect? **Bodily autonomy.** Check out this piece from the #PWNSpeaks blog that breaks down how the REPEAL Act is crucial in the fight for bodily autonomy.*

[Bodily  
Autonomy Blog](#)



See PWN's [Communications Resource Center](#) for more resources, guides, and tutorials

## All platforms:

1. Use the hashtags **#HealthNotPrisons** **#HIVIsNotACrime** and **#REPEALHIVDiscrimination** on every relevant post.
2. Update your profile picture to include REPEAL Act graphics and repost graphics that show support for decriminalizing HIV.
3. Share phone and email scripts as pictures or text so that others can easily contact their representatives.

*“I want people to see me as a strong Black woman who in the midst of adversity, has continued to push through it all. I'm grateful to now be able to use my experience to help others who are newly diagnosed and to also make them aware of these unjust laws. These laws are counterintuitive to their purpose and keep people in fear of being honest about their status because they are afraid of the potential outcome.”*


- [Monique Howell](#) who was criminalized under unjust HIV laws while serving in the U.S. Army, “Outside the Box” in Poz.com


## Sample Posts


"Just finished contacting my U.S. House Rep about the **#REPEALHIVDiscrimination Act** and it was super easy!! Join me in fighting against **#HIV** criminalization. Here's the template I used. **#HealthNotPrisons #HIVIsNotACrime**" *[add link to this toolkit]*

"I'm fighting against **#HIV** criminalization by supporting the **#REPEALHIVDiscrimination Act** and you should too! Help me get *[@representative]* on board. Check out this toolkit for guidance. **#HealthNotPrisons #HIVIsNotACrime**" *[add link to this toolkit]*

## Tips & Tricks

 **Retweet** to get the REPEAL Act as much visibility as possible and make sure it is showing up on all of your followers' feeds.

 **Organize** or participate in a Twitterstorm – a set period or time in which you suddenly increase the number of tweets about the REPEAL Act.

 **Tag** your representatives in your tweets to grab their attention. Phrase your tweet as a question (for example, ask them if you can count on them to support the REPEAL Act) to increase the likelihood of receiving a response. Add your address at this link: [www.commoncause.org/find-your-representative/](http://www.commoncause.org/find-your-representative/) to find direct links to your representatives' Twitter pages!

# FACEBOOK



## Sample Posts

"The **#REPEALHIVDiscrimination** Act of 2022 addresses the serious problem of discrimination in the use of criminal and civil laws against people living with **#HIV**. It calls for the assessment of and changes to federal laws that target people living with HIV for behavior that is otherwise legal or poses no risk of transmission of HIV. It also provides support for states to reform their similarly discriminatory criminal and civil commitment laws. It's time to end stigma and criminalization of already marginalized communities! That's why I'm reaching out to my representatives and urging them to pass the REPEAL Act!! **#HealthNotPrisons #HIVIsNotACrime**"

"At first I was intimidated, but then I remembered that my House Representative **works for me!** I made a quick phone call to their office and told them why I think the REPEAL HIV Discrimination Act needs to be passed right away. Bottom line: **#HIVIsNotACrime!** We need **#HealthNotPrisons**. Check out this toolkit with all the info you need to advocate for HIV decriminalization like a pro!" *[add link to this toolkit]*

## Tips & Tricks



**Share** your personal anecdotes; Facebook doesn't have a character limit, making it a great platform to share as much text as you want. Post away and use pictures. It catches people's eyes!



**Post** resources in groups or on community pages that you think may be useful or interesting.



**Create** a group to share resources like phone and email scripts. Share events.



**Use** Facebook Live to livestream yourself reaching out to your congressional representative office and set an example for what others can do, or do a Q&A about your experience reaching out.

# INSTAGRAM



## Sample Post



"Today every person living with HIV in a state with laws that criminalize HIV is just one misunderstanding or disgruntled partner away from finding him or herself in a courtroom."

- Robert Suttle

But we can do something to change this! I reached out to my Congressman and got a meeting with him. I'm planning to say 'HIV criminalization is the unjust use of criminal laws, policies, and practices to punish people living with **#HIV based on their HIV status. In other words, HIV criminalization is discrimination in practice.**' Join me and spread the word about the **#REPEALHIVDiscrimination Act!** **#HealthNotPrisons"**

## Tips & Tricks



**Update** your story with what actions you are taking to support the REPEAL Act.

**Poll** your followers about what actions they're taking using Instagram Stories.

*"I had to find strength mentally. I can take control of the narrative to show that I'm not this monster or evil person that I was pictured as. It gave me courage to educate and correct [untruths] about HIV and AIDS and HIV criminalization."*

-[Sanjay Johnson](#), "#3 Of Our Amazing People Living with HIV: Sanjay Johnson," HIVPlus Magazine





# ADDITIONAL RESOURCES

Want to do a deeper dive? There are a plethora of additional sources out there that can inform your advocacy. The following are just some of the amazing resources and organizations you should check out. If you see something missing, please email Kelly Flannery ([Kelly@pwn-usa.org](mailto:Kelly@pwn-usa.org)) to have it added to future advocacy from the Health Not Prisons Collective!

1. **Do some reading!** These are some written resources on HIV criminalization.
  - a. [\*\*Demanding Better. An HIV Federal Policy Agenda by People Living with HIV\*\*](#) lays out a clear roadmap for the administration, Congress, and federal agencies to achieve their goal of ending the HIV epidemic by 2030 with a focus on improving quality of life for people already living with HIV. Authored by the U.S. People Living with HIV Caucus, *Demanding Better* presents a pathway forward to advance human rights and dignity for people living with HIV in the federal response.
  - b. [\*\*The Center for HIV Law & Policy\*\*](#) is a great source of information on all laws that affect people living with HIV. They also have a variety of useful graphics depicting HIV criminalization across the country. To learn more about HIV laws in individual states, see [\*\*U.S. HIV Laws and Prosecutorial Tools\*\*](#) and [\*\*HIV Criminalization in the United States: A Sourcebook on State and Federal HIV Criminal Law and Practice\*\*](#).
  - c. [\*\*The Williams Institute\*\*](#) produces in-depth publications on issues that impact LGBTQ+ people, including HIV criminalization. Their latest report documents gross racial, gender, and geographical disparities in the enforcement of HIV criminalization laws in [\*\*Tennessee\*\*](#). There are also reports on HIV criminalization in [\*\*California\*\*](#), [\*\*Florida\*\*](#), [\*\*Georgia\*\*](#), [\*\*Kentucky\*\*](#), and [\*\*Nevada\*\*](#).
  
2. **Support advocacy on the ground!** These are just some of the amazing organizations led for, by, and with communities most impacted by HIV criminalization in the U.S.
  - a. Mobilizing their base to get the REPEAL HIV Discrimination Act passed: [\*\*Advocates for Youth\*\*](#)
  - b. Ending mass incarceration and abolishing the prison industrial complex: [\*\*Black and Pink\*\*](#); [\*\*Critical Resistance\*\*](#); [\*\*Incarcerated Workers Organizing Committee\*\*](#); The [\*\*National Bail Out Collective\*\*](#).
  - c. Ending the war on drugs and advancing the harm reduction movement: The [\*\*Drug Policy Alliance\*\*](#); the [\*\*Harm Reduction Coalition\*\*](#).
  - d. Fighting for human rights, wellbeing, and liberation for queer, transgender and gender non-conforming people: [\*\*Transgender Law Center\*\*](#), [\*\*Positively Trans\*\*](#), [\*\*Solutions Not Punishment\*\*](#) (SnapCo)
  - e. Protecting and advancing the rights of sex workers and people in the sex trades: [\*\*Desiree Alliance\*\*](#); [\*\*Sex Workers Outreach Project\*\*](#).