

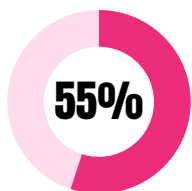
HIV CRIMINALIZATION AS VIOLENCE AGAINST

WOMEN LIVING WITH HIV FACTSHEET

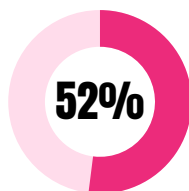
HIV criminalization means using laws and policies to punish people living with HIV for non-disclosure of status, perceived exposure to HIV, or transmission of the virus. Laws vary by state. Some punish oral, anal, or vaginal sex; exposure to saliva or blood; sharing needles; and donating organs, semen, blood, or breast milk of people living with HIV.

HIV criminalization hurts people living with HIV, **increases HIV stigma**, **undermines public health** efforts, and is rooted in **anti-Black racism**. Many of the acts that are criminalized, like having sex with an undetectable viral load, spitting, or biting, **don't actually transmit HIV**. To learn more, see this [factsheet](#).

These laws don't stand alone. They **connect to other systems that hurt women**: intimate partner violence (IPV), the criminalization of sex work and poverty, prison, and immigration enforcement. Together, these systems hit women of color, transgender women, and low-income women the hardest.



of women living with HIV have survived intimate partner violence.



of new HIV diagnoses among women are Black women, but they only make up about **13%** of their gender in the U.S.

Black and transgender women face some of the harshest enforcement under HIV criminalization laws.

Sex workers, homeless people, and people who use drugs are targeted by law enforcement and the criminal legal system more often than their peers. This pushes marginalized women into the system, where **their HIV status becomes another weapon against them**.

Where Are We Now? Disclosure, Violence, and the Law

For women living with HIV, disclosure isn't just a health choice, it's a safety calculation. Abusers use the threat of "outing" a partner's HIV status, or HIV criminalization laws themselves, to control, threaten, and silence survivors.

By The Numbers

- Nearly **1 in 4 women** living with HIV experience violence as a **direct result of disclosing** their status.
- More than half** of women living with HIV experience intimate partner violence (IPV), and **54%** of trans and gender-diverse people living with HIV experience IPV.
- HIV criminalization makes this worse. **32 states** still punish people for HIV exposure or transmission and **28 states** hand down harsher sentences because of HIV status alone.

A Member's Story

Lashanda Salinas, a Tennessee member of Positive Women's Network (PWN), experienced HIV criminalization after her former partner alleged that she had not disclosed her HIV status, despite her stating that she had. The allegation led to her arrest. You can [listen to her story](#) using this QR Code.



POSITIVE WOMEN'S NETWORK
pwn-usa.org

What Can Be Done?

Disclosure and Protecting Yourself

*Disclaimer: This is Not Legal Advice

- **Know the science:** If your viral load is undetectable, you cannot transmit HIV. Many acts—such as oral sex, sex with a condom, spitting, biting—have zero or near-zero possibility of transmission.
- **Document disclosure.** Get a written text or email acknowledging your status from your partner. Disclose with a witness present. Or keep your own dated notes.
- **Talking to the police?** Don't share your HIV status. Don't give a sample of your bodily fluid (saliva, blood, etc.) or sign anything. Don't say more than you have to. Stay quiet and ask for a lawyer.
- **If you're charged:** Don't contact your accuser. Give your medical and disclosure records only to your lawyer. Don't talk about your case online, with cellmates, or with family.

At The Federal Level

1. Support federal legislation to end HIV discrimination and incentivize states to repeal or modernize HIV criminalization laws.

2. Fund housing for survivors. Support transitional housing assistance for women living with HIV who are survivors of IPV, sexual assault, or stalking, so no one has to choose between safety and shelter.

3. Protect and fully fund VOCA, including funding for Native American Tribes, and FVPSA. These programs support survivors of IPV, sexual assault, stalking, and other violent crimes by funding shelters, survivor support and legal services, and prevention programs. They fund projects like the National Network to End Domestic Violence's Positively Safe program, which trains domestic violence and HIV service providers to work together so survivors get the best care, providing community-based support rather than relying on carceral systems.

At The State Level

1. Make trauma-informed IPV screening standard in HIV care. Routine intimate partner violence screening and trauma-informed care in women's HIV services can break the cycle of violence, trauma, and HIV.

2. Repeal or modernize state HIV criminalization laws. Removing or updating these outdated laws—which fuel stigma and undermine testing, treatment, and prevention—to align with modern science and human rights. A recent law change in Louisiana proves that HIV modernization is possible!

3. Decriminalize sex work. Criminalizing sex work puts women living with HIV at greater risk of violence, stigma, and barriers to healthcare. Decriminalization can make it safer for women to protect their health, report abuse, and access HIV care without fear of arrest or punishment.

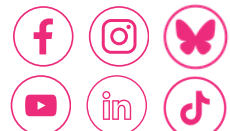
Special Thanks To Our Contributors!

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Scan this QR code to see this [factsheet](#), citations, and more resources on our website!



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And a huge shout out to our past intern **Treasure Welle** for writing our updated 2026 factsheets!