

**RESOLUTION INCREASING ENGAGEMENT IN CARE FOR PEOPLE LIVING WITH
VIRAL HEPATITIS BY MODERNIZING HEPATITIS-BASED CRIMINAL
AND RELATED PUBLIC HEALTH LAWS AND ELIMINATING
CRIMINAL SANCTIONS BASED ON VIRAL HEPATITIS STATUS**

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Whereas, medical advances have transformed the landscape with respect to the three most common forms of viral hepatitis; Hepatitis A (HAV) and Hepatitis B (HBV) are preventable with a vaccine; through medication, Hepatitis B has been transformed into a chronic manageable disease; Hepatitis C (HCV) is curable with one relatively short course of treatment; and HBV and HCV can be prevented perinatally and through other public health interventions, including programs that offer access to sterile injection equipment for people who inject drugs (PWID);¹

Whereas, Indiana intends to eliminate HCV by 2030, which will require reducing new HCV cases by 20% by 2025 and 90% by 2030;² and the federal government intends to eliminate viral hepatitis as a substantial impediment to public health, which will require similar reductions in new cases of all forms of viral hepatitis;³

Whereas, the rate of new cases of viral hepatitis has been on the rise in the United States since 2010, and in 2020 an estimated 4,350,000 people had either chronic HBV or HCV;⁴

Whereas, the rate of confirmed, newly-reported acute HCV cases in Indiana has increased dramatically since 2010; Indiana had 6,459 new cases of HCV in 2019, making it the U.S. state with the highest rate of acute HCV infections;⁵ and rates of new HAV and HBV cases in Indiana on par/higher than national averages;⁶

Whereas, Indiana is currently one of only 9 states (13 ever) that has criminal laws that impose punishment based on a person's viral hepatitis status, including laws that criminalize behaviors posing a low or negligible risk of actual transmission;⁷ and there is no evidence these laws increase disclosure of viral hepatitis status or reduce transmission as were the purported goals;

Whereas, the Viral Hepatitis National Strategic Plan recognizes that stigma and fear perpetuated by outdated criminal laws that do not reflect the contemporary understanding of viral hepatitis inhibit efforts to engage people in testing and treatment and delay the elimination of viral hepatitis as a substantial impediment to public health;⁸

Whereas, the Indiana Department of Health (IDOH) has recognized that the burden of HCV falls disproportionately on historically marginalized groups, including people who inject drugs (PWID) and Black people, who too often are diagnosed late;⁹

Whereas, the Viral Hepatitis National Strategic Plan calls for the re-examination of state laws that criminalize viral hepatitis and behaviors related to viral hepatitis;¹⁰

RESOLVED, that the ISMA support efforts to reform Indiana law to reflect the contemporary scientific understanding of viral hepatitis and eliminate criminal sanctions based on viral hepatitis status, thereby reducing viral hepatitis related stigma and helping to eliminate viral hepatitis as a substantial impediment to public health.

¹ U.S. Department of Health and Human Services (DHHS), *Viral Hepatitis National Strategic Plan for the United States: A Roadmap to Elimination (2021–2025)* (2020), at 1-2 (<https://www.hhs.gov/sites/default/files/Viral-Hepatitis-National-Strategic-Plan-2021-2025.pdf>).

² Indiana Department of Health, *Zero Is Possible: Indiana’s Plan to End HIV and Hepatitis C, 2021-2030* (2020) at 6-7 (https://www.zipindiana.org/files/ugd/25f039_81d06cd4e33b407ab7207610286245a2.pdf); U.S. Department of Health and Human Services (DHHS), *Viral Hepatitis National Strategic Plan for the United States: A Roadmap to Elimination (2021–2025)* (2020), at 39 (<https://www.hhs.gov/sites/default/files/Viral-Hepatitis-National-Strategic-Plan-2021-2025.pdf>).

³ U.S. Department of Health and Human Services (DHHS), *Viral Hepatitis National Strategic Plan for the United States: A Roadmap to Elimination (2021–2025)* (2020), at 39 (<https://www.hhs.gov/sites/default/files/Viral-Hepatitis-National-Strategic-Plan-2021-2025.pdf>).

⁴ Centers for Disease Control and Prevention, *Viral Hepatitis Surveillance Report 2019* (available at <https://www.cdc.gov/hepatitis/statistics/2019surveillance/Introduction.htm>); U.S. Department of Health and Human Services (DHHS), Office of Minority Health, *Eliminating the Public Health Problem of Hepatitis B and C in the United States* (<https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=92>).

⁵ Indiana Department of Health, *Zero Is Possible: Indiana’s Plan to End HIV and Hepatitis C, 2021-2030* (2020) at 5, 14 (https://www.zipindiana.org/files/ugd/25f039_81d06cd4e33b407ab7207610286245a2.pdf).

⁶ Centers for Disease Control and Prevention, *Viral Hepatitis Surveillance Report 2019*, Figure 1.3 (HAV), Figure 2.2 (HBV) (available at <https://www.cdc.gov/hepatitis/statistics/2019surveillance/Introduction.htm>).

⁷ U.S. Department of Health and Human Services (DHHS), *Viral Hepatitis National Strategic Plan for the United States: A Roadmap to Elimination (2021–2025)* (2020), at 25 (<https://www.hhs.gov/sites/default/files/Viral-Hepatitis-National-Strategic-Plan-2021-2025.pdf>); Center for HIV Law & Policy, *Map: An Overview of States Criminalizing Viral Hepatitis* (available at <https://www.hivlawandpolicy.org/resources/map-overview-states-criminalizing-viral-hepatitis-chlp-updated-may-2022>).

⁸ U.S. Department of Health and Human Services (DHHS), *Viral Hepatitis National Strategic Plan for the United States: A Roadmap to Elimination (2021–2025)* (2020), at 25 (<https://www.hhs.gov/sites/default/files/Viral-Hepatitis-National-Strategic-Plan-2021-2025.pdf>), at 25-26.

⁹ Indiana Department of Health, *Zero Is Possible: Indiana’s Plan to End HIV and Hepatitis C, 2021-2030* (2020), at 14-15 (https://www.zipindiana.org/files/ugd/25f039_81d06cd4e33b407ab7207610286245a2.pdf).

¹⁰ U.S. Department of Health and Human Services (DHHS), *Viral Hepatitis National Strategic Plan for the United States: A Roadmap to Elimination (2021–2025)* (2020), at 25 (<https://www.hhs.gov/sites/default/files/Viral-Hepatitis-National-Strategic-Plan-2021-2025.pdf>), at 25-26.