

HIV Modernization SB 280 FAQs


Author: Senator Glick, 2026, *Scan the QR Code to follow the bill*



WHAT DOES THE BILL DO?

Purpose: *Modernizes* Indiana law to reflect **HIV science**, ensure **fair penalties**, and **preserve protections** for Public Safety Officials.

Current Law: **IC 35-42-2-1** (Battery by Bodily Fluid/Waste) and **IC 35-45-16-2** (Malicious Mischief by Bodily Fluid/Waste) **add HIV-specific penalty enhancements**, enacted in 1995–2002, for actions such as spitting or saliva contact that pose **no risk of HIV transmission**.

What Changes?	What Stays the Same?
<ul style="list-style-type: none">Removes HIV-based penalty enhancements for battery & malicious mischief involving body fluids/wastes that pose NO transmission risk.Retains Enhancement for HIV blood exposure that creates a substantial transmission risk to Public Safety Officials (PSOs).	<ul style="list-style-type: none">Those who violate the body fluid/waste laws will still be punished, but treated the same as others under the law.If the victim is a Public Safety Official (PSO), violators will still be charged with a felony. 

WHAT DOES THE ENFORCEMENT RESEARCH SHOW?

Indiana Cases & Outcomes Between: 2019-2023

HIV Criminal Enhancement and Donation Codes	PLHIV Cases	Convictions
35-42-2-1 Battery by body fluid/waste	22	12
35-45-16-2 Malicious mischief body fluid/waste	2	0
Allegations of HIV Transmission.	0	N/A

- 100% of HIV-based battery by body fluid cases (2012-2023) involved conduct that does not transmit HIV—82% saliva, 3% urine, 15% blood to intact skin. ¹
- No HIV transmission occurs from saliva, urine, or blood on skin. Even blood exposure to eyes or an open wound carries only a theoretical and exceedingly low risk. ²

Hoosiers Living with HIV in 2025

14,749 people
88% know their status
76% retained to care
68% undetectable U=U



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WHO SUPPORTS HIV LAW MODERNIZATION?

- IPAC:** Indiana Prosecuting Attorneys Association
- PDC:** Indiana Public Defender Council
- ISMA:** Indiana State Medical Association ([Link to HIV Law Reform Resolution](#))
- IPHCA:** Indiana Primary Health Care Association
- IMHC:** Indiana Minority Health Coalition
- HMM:** HIV Modernization Movement-Indiana ([Link to Constituent Petition](#))
- IDR:** Indiana Disability Rights ([Link to Study Committee Exhibit](#))
- IN Interim 2022 Study Committee** to Review HIV Criminal Laws Aug. 30th ([Scan QR Code](#))
- IN House Chamber** HB1198-2023 (passed 78 to 19) ([Link to Bill](#)).



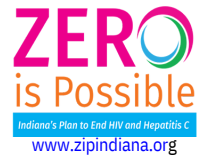
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2026 HIV Modernization SB 280 - Frequently Asked Questions

Q: Will this bill *improve* public health in Indiana?

- **Yes.** It advances efforts to end the HIV epidemic by updating outdated laws to reflect current HIV science and by eliminating stigmatizing provisions that can hinder engagement in prevention and care.³



Q: What about *risks to public safety officials* like the police—is spitting or fluid exposure dangerous from a person living with HIV?

- **No.** They will remain safe. Scientific consensus shows HIV cannot be transmitted through saliva, sweat, tears, urine, or by casual contact.^{2,4}
- This amendment ONLY removes enhancements for acts that cannot transmit HIV, with the exception of blood in cases of substantial risk involving PSOs.



Q: Will anyone who *intentionally* tries, or threatens, to transmit HIV be punished?

- **Yes.** Intentional acts to cause harm can still be prosecuted under Indiana's general battery or bodily-harm statutes. Verbal threats can be addressed under intimidation laws.
- If someone deliberately exposes a PSO to blood in a way that poses a substantial risk of transmitting HIV, the enhanced penalty still applies.



Law and
Public Safety

Q: Does this bill weaken law enforcement protections or safety?

- **No.** It improves clarity, safety, and trust by aligning the law with established medical science and OSHA occupational safety standards.⁵
- This bill reduces fear and stigma during encounters by focusing on real risks, not situations that may feel dangerous but aren't—so officers can stay calm and safe.



Q: If these laws are rarely used, why repeal the enhancements at all?

- Even when rarely enforced, these laws are stigmatizing, outdated, and discourage testing and care—undermining efforts to end the HIV epidemic.³
- The reforms would align the law with current science, preserve public safety (through general assault/harm laws), and reduce unnecessary criminalization.

Q: Why focus on HIV and not also remove sentence enhancements for hepatitis or TB?

- Recent research (2025) specifically analyzes enforcement of HIV-related body-fluid laws; evidence for hepatitis/TB is limited or not yet fully studied.^{1,6}
- The 2022 Interim Study Committee focused only on HIV. Removing HIV enhancements first is part of a strategic, incremental reform — which can set the precedent for future changes to other disease-specific laws.⁷



Q: Is there research and supporting materials that I can review? **Yes.** Click the [links](#) below

1. UCLA Williams Institute. [Enforcement of HIV Criminalization in Indiana: Body Fluid/Waste Enhancement Laws Report.](#)
2. [CDC How HIV is Transmitted](#)
3. The Lancet: [HIV Criminalization Laws and Ending the US HIV Epidemic](#)
4. [CHLP, APA. Fact Sheet for Law Enforcement Professionals: Spit does Not Transmit](#)
5. [OSHA Bloodborne Pathogens - Hazard Recognition](#)
6. [AIDS and Behavior: Criminalization of HIV exposure: a review of empirical studies in the US](#)
7. [2022 IGA Interim Study Committee: HIV Criminal Law Aug 30 Meeting](#)

