

# HR 130 Task Force to Study HIV Criminalization

November 17, 2023  
2:00-4:00pm  
State Capitol-Committee Room 6

## MEETING MINUTES

<b>I. Welcome and Call to Order</b>	<b>Dr. Samuel Burgess, Chair</b>
A. Meeting called to order at: 1:10 PM	
<b>II. Roll Call</b>	<b>Aisha McKenzie, Staff</b>
A. Dr. Sam Burgess, Chair (present) B. Dietz: Proxy, Jen Laws (present) C. Roya Boustany: (Absent) D. Representative Aimee Adatto Freeman: (Present) E. Representative Vanessa LaFleur (Present) F. Representative Wayne McMahan: (Present) G. Dr. Joyce Turner Keller H. Dr. George Nawas: Proxy, Austin Matthews, LCSW (Present) Quorum met (7 members present)	
<b>III. Proxy Introductions</b>	<b>Proxies</b>
A. Jen Laws (proxy for Dietz, LCCH) B. Austin Matthews, LCSW (proxy for Dr. George Nawas, Commission on HIV & Hepatitis C Education, Prevention, and Treatment)	
<b>IV. Vote to Approve Meeting Minutes from 11/8/23</b>	<b>Dr. Samuel Burgess, Chair</b>
A. Rep Freeman Motioned to vote to approve meeting minutes from 11/8/23; Representative LaFleur seconded. B. No changes or additions requested. C. Roll call vote to approve minutes from 11/8/23 1. Dr. Sam Burgess, Chair: abstain 2. Dietz: Proxy, Jen Laws: yea 3. Representative Aimee Adatto Freeman: yea 4. Representative Vanessa LaFleur: yea 5. Representative Wayne McMahan: yea 6. Dr. Joyce Turner Keller: yea 7. Austin Matthews: yea D. 6 yeas, 1 abstention. Minutes from 11/8/23 are approved.	
<b>V. Presentation: HIV Transmission</b>	<b>Dr. Ceryl Lynn Besch, LSU Health</b>
A. Brief review about HIV and HIV transmission. B. How HIV medications/treatments function. C. Explanation of the concept of “clinically undetectable” (<40 viral load) D. Reiteration that with effective treatment, HIV cannot be transmitted sexually (“undetectable equals untransmittable,” or patients with <200 viral load cannot transmit HIV sexually)	

- E. Questions from Task Force.
- F. Representative Aimee Freeman left at 3:05 PM (quorum maintained with 6 members present).
- G. Presentation slide deck attached.

<b>VI. Presentation: Sexual Health Needs of Sexual Assault Survivors</b>	<b>Morgan Lamandre, Esq., STAR</b>
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- A. Health concerns for sexual assault survivors.
- B. LA RS 40:1216.1 – Health Care Services for Victims of Sexually Oriented Criminal Offenses (costs covered for forensic medical exams, Plan B, “any medication provided during the forensic medical examination”).
- C. Gaps in 40:1216.1
  - 1. Law doesn’t mandate hospitals keep PEP in stock
  - 2. Pharmacies aren’t always accessible
  - 3. Survivors have to pay for a prescription after the exam
- D. RS 14:43.5 encourages disclosure because of fear of prosecution for exposure without intent or scientific ability to transmit HIV, which can open them to targeting by sexual assaulters and a system where their status could be used to keep THEM from reporting.
- E. Call to modernize RS 14:43.5 to reflect scientifically accurate information about transmission, lose the sex offender registration, review old convictions and vacate records for people who were convicted when there was no sexual contact.
- F. Questions from Task Force.
- G. Presentation slide deck attached.

<b>VII. Task Force Discussion of Current Legislation/Recommendations</b>
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- A. Dr. Joyce Turner Keller recommends that language and structure of the statute be revised to reflect science rather than stigmatized social opinion.
- B. Jen Laws notes that it doesn’t seem like HIV transmission is an occupational risk at all, and asks if the Task Force wishes to discuss the first responder portion of the legislation. Austin Matthews cites the first presentation of the day, that zero transmissions of this type have occurred.
- C. Jen Laws points out that the statute is specific to point out exposure, rather than transmission and asks if exposure a crime in fact, or is transmission a crime that the body is attempting to prevent?
- D. Dr. Joyce Turner Keller notes that intent needs to be re-defined and clarified.
- E. Austin Matthews, speaking on exposure vs. transmission informs the body that only 3 of the prosecutions under this law have actually resulted in transmission of this virus. He asks how many actual charges have been a solo charge (are those prosecuted charged with anything else)? Jen Laws answers that >80% are charged with this alone.
- F. Representative LaFleur suggests that this is a “next steps” conversation and that she’d like to see Aisha McKenzie (as Task Force staff) empowered to start working on draft proposed legislative language.
- G. Representative LaFleur motions to have Aisha McKenzie begin building proposed legislative language, seconded by Representative McMahan.
- H. Jen Laws asks for clarification about what the Task Force wants to recommend.
- I. Chair clarifies that Representative LaFleur means defining terms/language and the changes discussed.
- J. Consensus vote: unanimous approval to have Aisha McKenzie draft proposed language.

<b>VIII. Task Force Discussion on Report Writing and Recommendations</b>
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- A. Chair introduces discussion on Task Force report writing. Clarification that report is due before the next regular legislative session begins. Representative LaFleur questions the idea of hiring someone to write the report and where the budget for same might be. Chair answers that the Task Force needs to decide about the nature of the report and whether they need to hire someone for that.

B. Representative LaFleur explains the writing of the report would be an explanation of the recommendations and why the Task Force came to those conclusions. Task Force agrees to proceed with Aisha McKenzie writing proposed language and the justification of some on behalf of the Task Force for the time being.

**IX. General Public Comment**

A. No public comment.

**X. Adjournment**

**Dr. Samuel Burgess, Chair**

A. Austin Matthews motioned to adjourn, seconded by Representative McMahan.

B. Meeting adjourned at: 4:01 PM

HOUSE WITNESS CARD - AFFIRMATION - INFORMATION ONLY  
Committee: HR 130 Task Force to Study Date: 11/17/2023  
Regarding: HB No. Criminalization SB No. \_\_\_\_\_  
HCR No. \_\_\_\_\_ SCR No. \_\_\_\_\_  
HR No. \_\_\_\_\_ other: \_\_\_\_\_  
CHECK ONE:  I am present and would like to speak  
 I am present and will provide information, if requested  
PLEASE PRINT:  
Name: CERYL LYNN BESCH  
Representing: \_\_\_\_\_  
Address: 8008 SPRUCE ST NOLA LA 70118  
Phone: 504 450 3593 E-mail: cbesch@lsuhsc.edu  
*I hereby affirm that the written or oral testimony I give before this committee will be true and correct. By ascribing my signature below, I acknowledge that I will be giving sworn testimony, under oath, and that any intentional false statement material to the matter or issue before this committee is a violation of that oath.*  
Signature of Witness: \_\_\_\_\_  
*This is a public record. Information contained on this card is subject to disclosure.*

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HR No. \_\_\_\_\_ other: \_\_\_\_\_  
CHECK ONE:  I am present and would like to speak  
 I am present and will provide information, if requested  
PLEASE PRINT:  
Name: Morgan Leonardo  
Representing: JSATL  
Address: 5675 Corporate Blvd  
BR LA 70808  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_  
*I hereby affirm that the written or oral testimony I give before this committee will be true and correct. By ascribing my signature below, I acknowledge that I will be giving sworn testimony, under oath, and that any intentional false statement material to the matter or issue before this committee is a violation of that oath.*  
Signature of Witness: Morgan Leonardo  
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