Is HCV Criminalization on the Horizon?

In several U.S. states, transmitting HIV is a crime. Could hepatitis C be next?

April 26, 2018 By Casey Halter

In the midst of the AIDS crisis in the late ’80s and early ’90s, 33 U.S. states passed laws making it illegal for people living with HIV to have sex without disclosing they had the virus. Over the past decade, efforts to repeal these stigmatizing laws have been gaining momentum across the country. But now public health advocates fear that hepatitis C virus (HCV), which has been curable for several years, could be the next target for criminalization, MedPage today reports.

According to their report, instead of repealing HIV criminalization laws altogether, some states are now broadening their scope to include viral hepatitis and other infections. Their argument is based on the idea that the fluids of people with HIV or HCV qualify as deadly weapons, and it’s beginning to trouble physicians and advocates nationwide.

For instance, in 2014, Iowa became one of the first states to repeal and replace its HIV criminalization law. But the revised bill now considers viral hepatitis, tuberculosis and meningitis criminalized infections. Earlier this year, lawmakers in South Dakota considered a law that would have added a hepatitis C statute to its existing HIV criminal law. That bill failed, but experts fear that as states continue to wage war against the opioid epidemic, more efforts could pop up.

Currently, at least 12 U.S. states have criminal laws specific to hepatitis. Meanwhile, the country is home to nearly 3.2 million people living with hepatitis C. Acute hepatitis cases have more than doubled since 2010 at a rate that shows no signs of slowing down.

“It’s obviously a concern to see that this is being applied to an infection like hepatitis C,” said Raymond Chung, MD, director of hepatology at Massachusetts General Hospital’s Liver Center. “The real crime, if you will, is that we haven’t been able to detect and refer to care and get into treatment each person who has hepatitis C.”

To learn more about criminalization and its negative impact on advocacy, treatment and education initiatives across the country, click here.

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