Nevada Updates Its HIV Crime Laws, Allows PrEP and PEP Access at Pharmacies

Nevada's governor signed four LGBTQ- and HIV-related bills into law during a Pride celebration in Las Vegas.

June 8, 2021 By Trent Straube

Nevada has officially modernized its HIV crime laws and expanded access to HIV prevention meds. At a Pride ceremony in Las Vegas, Governor Steve Sisolak signed into law four bills related to LGBTQ issues, including the two bills focused on HIV/AIDS.

You can watch KTNV's ABC Channel 13 news segment on the Henderson Pride festival and the new legislation below:

The HIV crime bill, SB 275, includes several components pertaining to HIV criminalization. André C. Wade, MPA, the state director of Silver State Equality, an LGBTQ civil rights group, spelled out the

main aspects of the legislation for POZ. He explained that the new law:

- Removes felony sentence enhancements for intentional spread of HIV and makes it a misdemeanor, like other communicable diseases;

- Removes felony sentence enhancement for someone living with HIV who engages in prostitution/sex work and makes the charge a misdemeanor, like other communicable diseases;

- Creates an affirmative defense;

- Removes incorrect references to AIDS and removes references to HIV;

- Moves statutes from criminal codes to public health codes; and

- Reestablishes the Advisory Task Force on HIV Exposure Modernization.

A separate HIV bill, SB325, allows pharmacists to prescribe HIV-prevention meds to people who don't have a prescription; in addition, pharmacists can provide related services, such as HIV testing. The new law also requires certain health plans to cover the medications and testing.

Specifically, pharmacists will be able to prescribe pre- and postexposure prophylaxis, or PrEP and PEP. HIV-negative people at risk of contracting HIV take PrEP, which is a daily tablet. PEP, in contrast, is taken shortly after a potential exposure. Both are highly effective. For more general information, see the POZ Basics on HIV Prevention.

"Today, Nevada recognizes HIV as a public health issue, not a criminal one," said Wade in a Silver State Equality press release. "With his signature, Governor Sisolak has moved Nevada HIV laws into the 21st century by aligning them with modern science, ultimately helping to reduce stigma and discrimination against people living with HIV. When people are no longer penalized for knowing their status, it encourages them to come forward, get tested and get treatment. That's good for all Nevadans. The HIV epidemic will end not by threatening people with criminal prosecution, but instead, by encouraging people to get tested, and by providing them access to care. Today's signing is especially great news for Nevada communities of color and members of the LGBTQ+ community, who are disproportionately impacted by HIV."

"Nevada is known as a warm and welcoming place for all—in our State, we celebrate our diversity," added Governor Sisolak. "I am so grateful to sign legislation to ensure that our LGBTQ+

community feels safe, protected and can continue to grow and flourish in the Silver State. We know that laws that criminalize people living with HIV don't stop the spread, but they actually hurt our public health efforts."

Two other pieces of legislation signed into law focus more broadly on the LGBTQ community. Under SB109, local governments will be required to collect information about sexual orientation and gender identity, much like they are required to do when it comes to race and ethnicity. The information is to remain confidential but will be included in reports and government data. The aim is to ensure that LGBTQ people are accurately represented and counted.

The fourth bill, SB237, ensures that LGBTQ-owned businesses receive the same opportunities, such as loans and financial incentives, as other minority-owned businesses.

A few days before the June 6 Pride festival, the governor signed another bill, SB194, which fosters LGBTQ equality. That legislation deals with several components of public education. One aspect states that LGBTQ history should be included as part of civics classes, along with the history, culture and contributions of other communities.

"It makes me feel like we have an ally in our community. To have senators, people in the government to actually support our rights," Kyla Lewis, an attendee at the Pride Fest event, told KSNV News 3 Las Vegas.

Nevada isn't the only state modernizing its HIV laws and facilitating access to PrEP and PEP. For other examples, see "Oregon Bill Allowing Pharmacists to Prescribe PrEP and PEP Passes House" and "UPDATE: Illinois Senate Votes to Repeal HIV Crime Law."

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