



HPV Talking Points (for keeping out of the criminal code)

From HIV Modernization Expert Advocates, OBGYN Expert at IU Health,
and CDC fact sheets

I - Medical/Testing Science Talking Points:

1. There is no test in general to find out a person's "HPV" status; just tests to screen for HPV related cervical cancer in women
<https://www.cdc.gov/std/hpv/stdfact-hpv.htm>
2. There is no approved screening test for men. CDC fact sheet for men:
<https://www.cdc.gov/std/hpv/stdfact-hpv-and-men.htm>
3. Fact sheet also says that HPV cancer screening tests are not recommended to screen men, adolescents, or women under the age of 30 years.
4. About 30 strains known, but only about 13 are considered serious and potentially leading to cancers, will they distinguish between the strains?
5. Most everyone will get HPV in their lifetime as it's the most common STD.
6. Most people it causes no issues and is transient (though of course serious for some and which is why folks should get the vaccine).
7. The women cancer screening results are hard to interpret.
8. Clinical Guidelines for screening and treatment:
<https://clinicalinfo.hiv.gov/en/guidelines/adult-and-adolescent-opportunistic-infection/human-papillomavirus-disease>

II - Racial Disparities Talking Point:

9. Minority populations, especially Black women, are disproportionately impacted by HPV-associated cancers. The State of Indiana would be codifying discrimination and exacerbating poor health outcomes in statute with the addition of HPV as a dangerous disease.

III - Criminal Law Talking Points:

10. By adding HPV to this law, you are singling out and criminalizing those just for having it.
11. Even with the most horrendous sex crimes, people should not be treated differently because of their disease status (so no sentence enhancement based on disease status). If tried for anything related to disease... it should be based on best criminal justice practices – *"intent to harm, whether harm actually occurred, and then proportional punishment"* – so did the person intend to pass on the disease, was transmission even possible, did it actually occur, and if intended and harm occurred, was the punishment proportional to the crime.



12. If someone was harmed by HPV transmission, their recourse is in the civil courts--they can sue, as many have done, and get damages--not the criminal courts, which harms public health and wastes taxpayer dollars.
13. A slippery slope. If added here, folks might try to add it in other places in the criminal law, for example the disclosure law or the bodily fluid crime laws -- which we are trying to modernize and remove sentence enhancement based on disease status as well as repeal the disclosure law.
14. How would the courts determined that the person being charged actually was the person who transmitted the disease? No equivalent to DNA testing in the world of causal transmission of disease (can only rule someone out with molecular disease testing).
15. For disclosure laws, suggest legislators ask themselves if:
 - a. They've ever had a potential sex partner disclose to them in advance of the potential sex partner having HPV;
 - b. If they have been tested themselves; and
 - c. If they have ever disclosed to someone else that they have it.
16. Child molestation, in Indiana Law, is limited to those under 14yrs old by anyone 14 and up. Technically an older teenager (between 14 and 18) could be sentenced to prison for life if they had "consensual" sex with a 13 year old if they had any of those diseases, knew it, and it was transmitted. So a 15 year old living with herpes, for example, could go to prison for life if transmitted (Felony 1); The disease sentence enhancement part of the law is overly harsh and even more so when you consider adolescents can be convicted under this law. Not sure how Indiana's Romeo and Juliet laws would apply here.

IV - Public Health Talking Points:

17. Better to address HPV, and any communicable disease, in the public health code and consult public health and medical experts.
18. Communicable diseases like HIV and HPV should be handled with the best public health strategies, not the criminal justice system. As a general rule, adding communicable diseases to the criminal code runs counter to prevention strategies and brings people who wouldn't otherwise into the criminal justice system.
19. Vaccines and education are the way to go with HPV, not the criminal law.
20. About 80%, if not more, of sexually active people get HPV at some point in their life-time, but most never know it; criminalizing may dramatically reduce the number of people who get cancer screened tested for it (recall you can't test for HPV status itself).
21. HPV (the virus): CDC estimates that there were 43 million HPV infections in 2018. In that same year, there were 13 million new infections. HPV is so common that almost every person who is sexually-active will get HPV at some time in their life if they don't get the HPV vaccine.
 - a. Are we going to criminalize all the people diagnosed with HPV in the state?
 - b. The CDC has stated that HPV is very common and people should be getting the vaccine. How in the world does that make HPV dangerous?