

March 5, 2024

**RE: Support for H7219 - “Relating to Health and Safety - Prevention and Suppression of Contagious Diseases - HIV/AIDS”**

Thank you so much for your attention to this critical public health issue. I am here to voice my strong support for H7219, which would repeal mandatory HIV testing for individuals convicted of prostitution crimes and would make testing optional.

My name is Allison Kolins and I have been an attorney for over 20 years, mostly in the fields of criminal defense and civil rights. There are strong intersections between poverty, stigma, and poor health outcomes. My clients that I represented as a public defender were often subject to poor health determinants as well as intense demands placed upon them by the criminal justice system, compounding these poor health outcomes. This legislation would remove a mandatory demand, alleviating further burden and stigma placed upon people who are enmeshed in the criminal justice system. This would also augment bodily autonomy in ensuring that people must consent to testing, which is in line with updated protocols and the current reality of HIV prevention and treatment.

H7219 would modernize Rhode Island’s HIV testing protocols for persons convicted under commercial sexual activity laws. We believe that this bill would ensure that people convicted of commercial sexual activity have access to HIV testing and are empowered to pursue treatment and receive services, without perpetuating stigma.

H7219 makes small amendments to two existing laws. Currently, R.I.G.L. § 23-6.3-4, “Exceptions to Consent Requirements” authorizes healthcare providers to test any person convicted of a violation of any provision of R.I.G.L title 11, chapter 34.1, “Commercial Sexual Activity” for HIV without their consent. This bill strikes that section of the law so that persons with commercial sexual activity convictions are no longer listed as one of the groups for which consent to testing is not required.

Within the Commercial Sexual Activity chapter, R.I.G.L. § 11-34.1-12, “Human Immunodeficiency Virus (HIV)” requires all persons convicted under that chapter to be tested for HIV with or without their consent; it also outlines testing procedures and policies, and the services that must be made available to people who are tested. H7219 keeps the majority of this statute intact, simply removing the language that makes testing mandatory regardless of consent and instead requiring that persons convicted of commercial sexual activity be given the option to be tested for HIV and provided with the associated services.

Ultimately, H7219 maintains existing access to HIV testing, counseling, and treatment for persons convicted of commercial sexual activity but ensures that testing cannot be done without consent. Additionally, existing law broadly mandates testing for persons convicted under any commercial sexual activity law – including those that require no sexual contact, and even no intent for sexual contact to occur, meaning someone who knows they could not have been exposed to HIV can still be mandatorily tested. Removing mandated testing would ensure that persons convicted of those crimes have access to testing but are able to opt out.

Thank you for your time.

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