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Goal: End disparities between medical and legal accuracy in local government resources about HIV.

Modernizing HIV Education and Labor Law in New York City — One-Pager, Spring 2022

Introduction and Background

In the 1990s, at the height of the HIV epidemic in the United States, many jurisdictions passed laws to address the public health crisis they faced. These laws were intended to inform the public about HIV through school and workplace requirements, such as mandatory HIV lessons for children, changes to workplace safety procedures, and guidelines about preventing and treating accidental exposure. Unfortunately, these laws and policies have only rarely been revisited as our understanding of HIV has improved, resulting in a dangerous, and expensive, divergence between legal accuracy and medical accuracy over time. Inconsistent information causes confusion and mistrust – a fact the COVID epidemic is currently demonstrating all too well.

ACT UP proposes a direct, nonpartisan strategy to improve the public's understanding of how to prevent and treat HIV through carefully-tailored laws, resolutions, and policy changes in the areas of Education and Labor. By keeping these legal changes specific, and prioritizing the most broadly-supported, it is possible to minimize the controversy that so often surrounds — and delays — policy changes related to HIV, resulting in more accurate information reaching the public sooner. These changes would improve the average New Yorker's knowledge of HIV and public health, which would reduce transmissions and social stigma, thus contributing to finally ending the HIV epidemic.

Proposed Changes

- A Local Law requiring that the [already-mandatory](#) NYC HIV curriculum, and/or resources provided to teachers by the NYCDOE, be regularly checked for medical accuracy, in accordance with CDC recommendations. Ideally a review should occur every 5 years, and no more than every 10. The [current curriculum](#) is from 2012, and the new curriculum won't be ready until 2023. It should not be 11 years between medical accuracy checks.
- Either a Local Law establishing a specific meaningful, verifiable compliance mechanism that ensures equivalent HIV information has been shared with all public school students at certain grade levels, or a requirement that the NYCDOE develop such a mechanism. The [current compliance mechanism](#) is an unverifiable tickbox.
- A Local Law requiring that all OSHA/PESH materials disseminated in NYC that cover bloodborne pathogens (BBP), and already contain information about Hepatitis prevention, be supplemented to:
 - (A) include information about [pre-](#) and [post-](#)exposure prophylaxis for HIV, and
 - (B) make clear that some workplace activities, though they may carry a risk of exposure to one specific BBP, [such as HBV](#), carry [no risk of exposure to HIV](#).
- A Local Law requiring that public-facing NYC public employees (such as teachers and police) undergo medically-accurate HIV training, and that the materials used for such trainings be updated for medical accuracy at regular intervals, ideally every 5 years. Current trainings are not consistently medically-accurate.
- A resolution calling for a professional review of all federal and state OSHA/PESH materials to ensure they are medically accurate when referring to how HIV is transmitted and prevented, as distinct from Hepatitis and other bloodborne pathogens. Materials must also be sufficiently clear to average readers.
- A resolution calling for clarification of [Article 10](#) of New York State's Mental Hygiene Law so that it cannot be [used prejudicially against people with HIV](#).

Conclusion

The lack of clear, modern, medically accurate HIV information in communications between government agencies and the public undermines both individual and community health. The proposed changes help rectify the divergence of legal and medical accuracy, while providing opportunities for the development of durable, replicable models that will reduce stigma and transmissions, helping to end the epidemic once and for all.

About

The AIDS Coalition to Unleash Power (ACT UP) was founded in 1987 in New York City. Our mission statement says ACT UP is "a diverse, nonpartisan group of individuals, united in anger, and committed to direct action to end the AIDS crisis." We have always been a 100% volunteer-run organization, with a flat democratic structure, and no employees or barriers to membership. ACT UP has no shareholders or sponsors, and is therefore completely free to choose which goals to pursue.

Many current and former members of ACT UP are involved in HIV/AIDS work in the larger community, and we collaborate closely with a network of local groups, nonprofits, and coalition partners to achieve specific goals, as needed.

The City Council Working Group was formed in the Winter of 2021 to survey City Elections candidates on common-sense HIV policy positions, and to advocate for changes to local law that will more quickly end the HIV epidemic in New York. We aim to do this by correcting the divergence between medical and legal accuracy that has been allowed to occur over the last three decades, and by prioritizing legal asks that data suggest are relatively common-sense, uncontroversial, and bipartisan. Data we consider comes from various organizations, including, but not limited to, the [New York State AIDS Advisory Council](#), the [U.S. government](#), the [Guttmacher Institute](#), [SIECUS](#), the [Kaiser Family Foundation](#), and the [Center for HIV Law and Policy](#). We also consider information we receive from public employees, such as teachers, and from people who receive services, such as HASA clients. The results of our 2021 Primary Candidate Survey may be found [here](#).

Email education@actupny.com for more information.