



New York City HIV Prevention Planning Group

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Michael Camacho, *Community Co-Chairperson Elect*
Lundgren Peters, *Secretary*

June 15, 2011

Dear New York State Assembly Members and Senate Code Committee Members:

We are writing on behalf of the NYC HIV Prevention Planning Group (PPG) urging support of bill A1008(Clark)/S323(Montgomery) precluding the use of condoms as evidence of prostitution. If enacted, this bill would protect the right of many of our most marginalized community-members to practice safer sex without fear that carrying condoms will have the consequence of an arrest or conviction of prostitution.

The NYC HIV Prevention Planning Group is a local planning body charged by the U.S. Centers for Disease Control and Prevention (CDC) to develop a comprehensive HIV prevention plan for New York City, determine priority populations and interventions and target resources to those communities at highest risk for HIV transmission/acquisition. We are a 50-member group comprised of people living with and impacted by HIV, providers/preventionists, advocates, researchers and government decision makers.

The PPG is a partnership between the NYC Department of Health and Mental Hygiene and the communities most affected by HIV and AIDS and as such we are concerned with the public health of New York City and New York State residents. Specifically, we are concerned about the impact of HIV and AIDS on our communities. The population of people living with HIV and AIDS has grown 10% since 2005. People of Color continue to be disproportionately impacted by HIV (80% of new HIV/AIDS diagnoses in 2009 were among Blacks and Hispanics and among women; more than 93% of new diagnoses were among Blacks and Hispanics).

On the PPG we represent, and work with, many organizations concerned with public health whose services and activities include the provision of condoms and harm reduction information to vulnerable New Yorkers, testing for sexually transmitted infections including HIV, providing necessary legal social and medical services to people living with HIV/AIDS, and activism and advocacy around public health and HIV/AIDS. Some of the individuals we work with are involved with the sex trade, whether by choice, circumstance or coercion.

Condom distribution is one of the DOHMH's priority HIV prevention interventions. Condom effectiveness for STI's and HIV prevention has been demonstrated by both laboratory and epidemiologic studies. According to the CDC, "a number of carefully conducted studies, employing rigorous methods and measures, have demonstrated that consistent condom use is highly effective in preventing HIV transmission." Condoms should be promoted by all levels of government as a vital public health and HIV prevention method.

NYC DOHMH itself has distributed millions of male and female condoms and lubricants in an effort to protect the public's health. NYC DOHMH has branded its own condoms, some of the very same condoms likely being confiscated by police. NYC DOHMH encourages individuals to carry condoms (Bring Your own Condom campaign) as a specific strategy for HIV prevention and STI prevention. It may also be noted that condom possession as evidence of a crime was a strategy used by San Francisco Police Department in the early stages of the HIV epidemic, and was immediately discontinued when the adverse public health impact was explained by the Department of Health. By allowing the possession of condoms to be used as evidence of prostitution and related offenses, the current law undermines New York's efforts to combat sexually-transmitted infections and diseases and to educate the public about safer sex.

We believe New York State government should promote, not discourage, the use of condoms and other public health tools. As an effective tool for preventing unwanted pregnancy and the transmission of STIs and HIV, condoms should be widely accessible and acceptable to everyone. Carrying condoms should not be attached to a presumption that the carrier is intending to commit a crime.

This legislation is important to protect safer sex choices in general, and to prevent those in the sex trade in particular from being penalized for being prepared to use protection against STIs, pregnancy and HIV. For these reasons, we urge you to support this legislation.

Feel free to direct any questions or comments to the Chair of our Policy and External Relations Liaison Committee (PERL), Kimberleigh J. Smith, at 917-325-0669.

With the endorsement of the full New York City HIV Prevention Planning Group

Sincerely,



Marcella Tillett, LMSW
Community Co-Chairperson



Michael Camacho, MPH
Community Co-Chairperson Elect

Distribution List:

Dr. Nirav Shah, NYS DOH Commissioner, New York State Department of Health
Senator Velmanette Montgomery
Assemblywoman Barbara Clarke
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New York State Senators, Code Committee