

Indiana HIV Duty to Inform Law: Provider Guidance



Updated June 2026

What changed?

[HEA 1182 \(2020\)](#) amended Indiana's HIV Duty to Inform law by defining high-risk activity as sexual activity or needle sharing that bears a significant risk of transmitting HIV, as determined by the CDC.

IDOH's **Provision of Information About HIV and the Law** form, and the accompanying **Positive Living** brochure (formerly titled Living with HIV), were updated to reflect this change.

Key Points for Providers

- The IDOH form is an educational resource and does not constitute legal advice.
- The IDOH form reflects current CDC HIV transmission science and the law as written.
- According to the CDC guidance,
 - U=U (Undetectable=Untransmittable) means people who maintain an undetectable viral load do not sexually transmit HIV
 - Activities with no significant risk of HIV transmission (such as oral sex) are not considered high-risk activities
- Although the law applies only to conduct posing a significant risk of HIV transmission, prosecutors and courts ultimately determine how the law is interpreted and enforced. As a result, people may still be charged even when the conduct poses no significant transmission risk.

Provider Role

Providers should:

- Review the IDOH materials with clients
- Encourage treatment adherence and viral suppression
- Answer questions using current CDC HIV science
- Refer legal questions to attorneys
- Refer to HMM-Indiana for peer support, educational resources, and attorney support

Providers should not:

- Determine whether a crime occurred
- Investigate allegations
- Attempt to provide legal advice



Frequently Asked Questions

Do people living with HIV who are undetectable (U=U) have to disclose?

The revised form reflects the CDC guidance that people who maintain an undetectable viral load do not sexually transmit HIV (U=U); there is no significant risk of sexual transmission.

- However, because criminal laws are interpreted and enforced by prosecutors and the courts, a person who is undetectable could still be charged.
- Continued education of prosecutors, defense attorneys, and judges about current CDC HIV transmission science remains important.

Should people living with HIV still disclose even if they are undetectable?

Disclosure is a personal decision. While this guidance does not provide legal advice, disclosure remains the most effective way to reduce the risk of prosecution. Providers are not expected to directly engage with patients on disclosure but can be educated on resources to provide people living with HIV.

What if a person living with HIV reports someone "didn't disclose"?

Consider referral to IDOH's Advocacy, Responsibility & Counseling (ARC) program for education and public health follow-up. Contact Brittany Sichting (bsichting@health.in.gov) to open an ARC case around alleged non-disclosure.

What if a person living with HIV is accused or charged?

Encourage them to:

- Hire or consult an attorney.
- Preserve medical records and documentation.
- Contact HMM-Indiana for peer support and educational resources.



Resources

- **IDOH forms:** <https://in.gov/health/hiv-std-viral-hepatitis/forms/>
- **CDC Information:** <https://www.cdc.gov/global-hiv-tb/php/our-approach/undetectable-untransmittable.html>
- **HMM-Indiana Get Help:** <https://hivmodernizationmovement.org/get-help/>
- **Disclosure 201 Online Training:** <https://www.youtube.com/@hivmodernizationmovement/courses>
- **Questions?** info@hivmodernizationmovement.org



For additional information:

<https://www.in.gov/health/hiv-std-viral-hepatitis/>

