

**KPHA Board of Directors – Special Meeting**  
**March 4, 2004 - Via Conference Call**

**Present:**

Sally Finney, Executive Director  
Phil Griffin, President-Elect  
Allison Alejos, Treasurer  
Kim Richter, President  
Cheryl Bañez Ocfemia, Secretary  
Janice Dunwell, APHA Affiliate  
Janis Goedeke, Director At-Large  
Sara Roberts, Student Section

*By Proxy:*

Janice, McCoy, Childcare Section  
Holly Whitlock, Health Education/Promotion Section  
Marv Stottlemire, Director At-Large

**Absent:**

Gloria Vermie, Director At-Large  
Susan Morris, Laboratory Section  
Karen Fitzgerald, Nutrition Section  
Scott Voss, Epidemiology Section

The meeting was called to order at 9:00 a.m.

**ISSUE:**

KPHA has been invited by a law firm in New York to sign an *amicus curiae* brief in the matter of *Limon v. Kansas*. Other national organizations, including APHA, have already signed onto this brief.

**BACKGROUND:**

Matthew Limon is currently serving a 17-year prison term for engaging in consensual sex with a minor of the same gender. This sentence is more severe than he would have received had his partner been female. Limon's case reached the U.S. Supreme Court last summer after the Kansas Supreme Court refused to consider it. Based on the decisions of a similar case, *Lawrence v. Texas*, the U.S. Supreme Court ordered the Kansas Court of Appeals to review the decision to uphold the 17-year sentence.

Thus far, the Kansas Court of Appeals has refused to review *Limon v. Kansas*. Moreover, the State has used a public health rationale to argue the constitutionality of the law used to convict Matthew Limon. The State argues that "gay" sex threatens the health of the public and presents a higher risk of HIV transmission and other STD's in comparison to "straight" sex. This argument does not acknowledge data demonstrating that an HIV-positive man with multiple female sex partners is more likely to transmit the virus when compared to an HIV-positive homosexual male engaging in protected sex within a monogamous, same-sex relationship. In addition, sexual contact between females presents the lowest risk for transmission.

**ACTION:** Phil Griffin moved to have KPHA sign on to an *amicus curiae* brief in the matter of *Limon v. Kansas* on behalf of the defendant, Matthew Limon. Seconded by Sara Roberts. Passed unanimously.