

Wave of AIDS bills hits U.S. states

by Marla Minnicino

Throughout the United States, state governments have been compelled to take action on the AIDS pandemic because of a political tidal wave from their constituents. The explosion of AIDS legislation on the state level comes barely half a year after California's Proposition 64 appeared on the ballot. On May 28 the former co-chairmen of the Proposition 64 ballot initiative organizing committee, called PANIC (Prevent AIDS Now Initiative Committee), announced that the famous anti-AIDS measure would be back on the California ballot in 1988. Below we give a state-by-state battle report on other key AIDS policy fights.

Illinois: AIDS package advances

A multi-faceted package of AIDS legislation has just been endorsed by the Public Health, Welfare, and Corrections Committee of the Illinois Senate, after similar measures passed the House. If signed by Gov. James Thompson, it would be one of the toughest and most comprehensive AIDS bills yet enacted by any state.

The bills were approved by the Senate Committee by overwhelming margins "over the objections of medical experts," according to the June 12 *Chicago Tribune*. Included are measures requiring couples seeking marriage licenses to be tested for AIDS, provisions for contact tracing, and bills requiring testing for convicted sex offenders and IV drug users. Other bills would mandate the health department to notify school officials of AIDS cases, require health care employees to notify their employers if they have AIDS, and make it a felony for an AIDS carrier to deliberately donate blood.

Dr. Renslow Sherer, chairman of the Governor's Council on AIDS and acting director of AIDS services at Cook County Hospital, denounced the measures, stating, "This disease does not lend itself to legislative action. . . . The problem is sex and drugs. There aren't simplistic solutions." He said the bills "don't make medical or public health sense." Sherer's comments drew fire from legislators who, according to the *Chicago Tribune*, "are facing enormous pressures from their constituents." One senator told Sherer: "It amazes me how

you people can speak with such certainty about this . . . for God's sake, get in the real world."

Last month, the state Senate passed the Illinois Sexually-Transmitted Disease Act, sponsored by Sen. Aldo De Angelis (R-Olympia Fields), by a vote of 40-15. De Angelis, described the bill as a "comprehensive act," which "defines the steps the Public Health Service has to take" to deal with the disease, including quarantine under certain circumstances. The bill must be approved by the governor. Last year, De Angelis would not have expected such a bill to pass, but now, he gives it an even chance.

Colorado's tough reporting bill

A new state law, signed in early June by Colorado Gov. Roy R. Romer, represents one of the toughest AIDS reporting laws in the country. The law, which has already generated an outcry from homosexuals and civil rights groups, imposes a fine of \$300 on doctors who do not report the names of patients carrying the AIDS virus. However, it also imposes a fine of \$5,000 for any state official who does not keep the information confidential. The law also permits state health officials, with court approval, to quarantine any AIDS carrier who constitutes a threat to public health, such as an infected prostitute who refuses to discontinue contact with her customers.

"This state has always been at the forefront of public health," said Dotti Wham, a Republican state representative from Denver. "We feel that the only way to know what the disease is doing, and where and how it is traveling, is with names."

The new law reaffirms a rule adopted by the Colorado Board of Health in 1985, requiring doctors to report the names of people known to carry the AIDS virus. But it extends the requirement to laboratories, clinics, hospitals, and other agencies that administer blood tests.

"This is a uniquely tough law," said James Joy, executive director of the Colorado chapter of the American Civil Liberties Union. "Other states with more experience with AIDS, such as New York and California, have looked at mandatory reporting and rejected it."

Virginia re-assessing?

Recent developments indicate that Virginia's Gerald Baliles administration may be reversing its AIDS policy, in favor of stronger action to combat the disease. On June 12, proposed new guidelines on how to treat state employees with AIDS were suddenly put "on hold indefinitely" after a state government employees' group said the rules would place healthy co-workers at risk.

According to Carolyn J. Moss, secretary of administration under Governor Baliles, new issues had arisen since she recommended that the new guidelines be approved for the state's 90,000 workers. Under the guidelines, no state supervisor could require workers to disclose that they have AIDS.

Co-workers concerned about working with a suspected AIDS victim would be "counseled" that the disease could not be transmitted through casual contact. After many complaints from government workers, the guidelines—scheduled to be released on June 13—were withdrawn indefinitely.

Citing new issues which had recently come up, including President Reagan's call for mandatory testing of federal prisoners and immigrants, Moss said: "We are awaiting recommendations from the Health Department's advisory committee."

The committee will present its findings to the state Board of Health at its meeting in late July. State health commissioner Dr. C.M.G. Buttery, an opponent of mandatory testing, has now asked the panel to review President Reagan's recommendations on AIDS, and "advise what the commonwealth's policy should be on mandatory testing."

Possibly contributing to the shift in Virginia's AIDS policy was a June 11 press conference in Richmond by Dr. John Seale, of Britain's Royal Society of Medicine, on "AIDS: The Truth About Casual Transmission." Dr. Seale also met with officials close to the governor and members of the state legislature.

New Hampshire misses its chance

When H.B. 0322 was defeated May 15 in the lower house of its state legislature, New Hampshire missed an opportunity to become the first state to pass a bill mandating AIDS testing for couples seeking marriage licenses. Although the bill, passed by the state Senate May 14 by a vote of 13-11, had been expected to pass, the lower house of the legislature voted 165-136 against it.

Contributing to its defeat was the fact that a full 98 representatives—25% of the House—cast no vote on the AIDS bill, either because they did not attend the legislature that day or were not in the session at the time. Of the missing 98 legislators, most were Republicans. Gov. John Sununu, a Republican, had counted on the GOP voting bloc to ensure victory for the bill.

Certain legislators charged that supporters of presidential candidate Lyndon LaRouche were behind the bill. Indeed, LaRouche supporters had actively lobbied in favor of the bill, when no one else but Governor Sununu would publicly speak out on its behalf. Opposing the bill, Rep. Marion Copenhaver (D-Hanover), noted that it was endorsed "only by a Lyndon LaRouche supporter. That should tell you something!" (She was referring to public testimony by Dr. Ernest Schapiro, a member of *Executive Intelligence Review's* Biological Holocaust Task Force.)

Governor Sununu has not given up the fight for mandatory testing, but has indicated that he will not call the legislature back for a special session this summer. However, at least one lawmaker is now demanding that the legislature be recalled to deal with the mandatory AIDS testing question as a life or death issue.

California will get another chance

A ballot initiative which would place AIDS on the list of communicable diseases and mandate state health authorities to act accordingly, will be put before California voters in June 1988. On May 28, Khushro Ghandhi and Brian Lantz filed a draft initiative referendum on AIDS with the California attorney general, to obtain a ballot title and summary as required by law. Ghandhi and Lantz were the proponents of the original ballot initiative, Proposition 64, which was defeated in November 1986, though it received nearly 2 million votes.

The new initiative is identical to Proposition 64, except for a minor wording change which extends the definition of an "AIDS virus carrier," to persons infected with any viral agent which causes AIDS, besides the well-known HTLV-III (HIV-I) virus.

At a May 29 press conference in Sacramento, Lantz charged that the original ballot initiative had been defeated because of a "well-financed campaign of deliberate lies concerning the medical facts about AIDS as well as the content of the initiative itself. As a result of that defeat, many people have died or are presently doomed who might not have been infected if the measure had been adopted." He added that "the lies people were told by health authorities have been exposed," and the initiative will be put back on the ballot so that "more people don't have to die unnecessarily."

Well-known California tax reform advocate Paul Gann, who just announced that he contracted AIDS from a blood transfusion, has put his full support behind AIDS testing, though he has not endorsed the second AIDS ballot initiative. And, in a June 12 *Los Angeles Times* op-ed, Rep. William E. Dannemeyer (R-Calif.) called for a traditional public health policy on AIDS, such as that used effectively in the past to control communicable diseases. Dannemeyer authored one of the "pro" arguments for Proposition 64 in the state-issued ballot manual.

Texas passes anti-AIDS bill

In the final hours of its 1987 session, the Texas legislature passed a bill which classifies AIDS as a communicable disease, mandates that all cases of AIDS be reported, and authorizes health officials to quarantine AIDS victims, if they deem necessary. Although the new Texas law takes the first steps in treating the deadly AIDS disease with traditional public health measures, the legislators, hobbled by a "budget-cutting" mentality, did not adopt mandatory testing provisions. Nonetheless, passage of the bill marks a significant response by the Texas government to the AIDS crisis.

The economic issues were summed up in comments by Brad Wright (R-Houston), House Public Health Committee chairman. On the one hand, he declared, "We're not going to pass any civil rights legislation here." But he also said, "We don't need to hear from anyone who says we need to spend more money."