

AIDS bills lost in legislative shuffle

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SACRAMENTO — Lost in the Legislature's debate over measures to require mandatory AIDS testing and criminalization of certain AIDS-related behavior are two bills that would provide an estimated \$60 million for AIDS research in California.

With approximately 60 AIDS and AIDS-related bills moving through legislative committees in the final weeks of the session, the media have failed to focus attention on the bills that would help most in the battle against AIDS.

The two research funding bills, AB 563 and AB 603, which now go to the Senate Appropriations Committee and then to the floor, are designed to get around an appropriations limit hatched by conservative political activist Paul Gann. In an ironic twist, Gann has become a victim of AIDS through a tainted blood transfusion.

Designed to circumvent the Gann limitation on state spending, the two bills would establish a mechanism for a 55-percent tax credit to fund AIDS research. Key Senate committees this week unanimously approved the bills, sponsored by Assemblyman Johann Klehs, D-San Leandro.

Gann, reserving comment on the Klehs bills until he has analyzed them, is reluctant to approve an exception to the Gann limit — even to fund research to find a cure for his own disease.

"I want to see us spend the money that is necessary," Gann said in a telephone interview. "But we have been spending money on cancer for many years, and people are still dying of cancer. There's a lot of money, and a lot of private research. I'd like to see us do other things, rather than just spend money."

His voice rising, Gann described as "lower than a snail's belly" persons who would knowingly transmit the AIDS virus through blood or sex. He strongly supports legislation to isolate and punish AIDS carriers who knowingly pass on the virus. He also favors legislation requiring that AIDS be classified as a communicable disease and reported to health authorities as such.

"The only thing we can really do is stop the spread," he said.

Of the myriad AIDS-specific and AIDS-related bills under consideration in the Legislature — many of them overlapping, duplicative or, critics

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say, covering procedures already in effect — experts say the Klehs bills are emerging as sensible alternatives to mandatory testing and criminal penalties.

A 10-bill "AIDS Prevention" package sponsored by conservative state Sen. John Doolittle, R-Roseville, barely survived, with two bills moving in committee toward the assembly floor. Opposed by many medical, public health, gay rights and civil liberties groups, the 10-bill package would have required testing of high-risk groups and increased penalties for AIDS carriers who intentionally spread the disease.

The two surviving bills would require marriage license applicants to be offered an AIDS antibody test and permit persons to designate recipients for donated blood. Both have passed the Senate and the Assembly Health Committee and now go to the Assembly Ways and Means Committee.

The Senate Judiciary Committee this week postponed a vote until next year on a Doolittle bill requiring mandatory AIDS testing for prisoners, and the Assembly Public Safety Committee rejected a bill requiring testing for people charged with sex crimes.

AIDS is a condition caused by a virus that weakens the human immune system thereby rendering the body susceptible to opportunistic infections. As of July 1, 1987, 8,938 cases of AIDS have been reported in California, and 4,787 deaths have been attributed to the disease, according to state health officials.

Among measures moving through the legislative process:

- The Klehs bills, AB 563 would create a 55-percent state tax credit for individual and corporate contributions to AIDS research. The maximum individual credit would be \$25 (\$50 on a joint return), and the maximum corporate credit would be \$5,000. Based on a taxpayer participation rate of 10 percent, the author estimates the bill will produce \$61 million annually for AIDS research in 1988 and 1989.

- The companion bill, AB 603, would establish the AIDS Research Trust Board to administer the fund and disburse donations to qualified researchers.

Bruce Decker, president of the Health Policy and Research Foundation in Los Angeles and a member of the statewide California AIDS Advisory Committee, said the Klehs bills are "the most significant AIDS legislation in the state, or for that matter, the nation."

"We have to use whatever initiatives we can to create an incentive to contribute to funding AIDS research," he said. "This will create a vehicle outside government. We cannot afford the luxury of debating the other peripheral and false issues unless we have a vehicle above the political fray to find a cure."

- AB 87, by Assemblyman Art Agnos, D-San Francisco, which emphasizes education and prevention and would establish a California Commission on AIDS with funding, a staff and the authority to deal directly with state agencies.

The 24-member commission would include 11 gubernatorial appointments plus six each appointed by the Assembly speaker and the Senate Rules Committee.

Passed by the State Assembly, the bill was approved this week by the Senate Health and Human Services Committee and sent to the Senate floor.

- SB 136, by Sen. Gary Hart, D-Santa Barbara, would mandate the showing of an AIDS prevention/education videotape to all public junior and senior high school students. Killed by Republican opposition last month in the Assembly, the bill was granted reconsideration Thursday in the Assembly.

- SB 57, by Sen. Milton Marks, D-San Francisco, would provide for more reimbursement to hospitals serving indigents. Although not an AIDS-specific bill, it would affect AIDS victims because many are indigent when they are hospitalized. It has passed the Senate and will be heard in Assembly Ways and Means next Wednesday.

- SB 324, by Sen. Ed Davis, R-Canoga Park, would limit disclosure about the death of a prior occupant in real estate transactions. The bill is important to AIDS victims because many must sell their homes in order to pay for medical care, and if it is disclosed by realtors that they suffer from AIDS, sales are more difficult, according to gay rights activists. Passed by the Senate and now in the Assembly.

- SB 548, by Sen. Diane Watson, D-Los Angeles, would create a state Advisory Commission on Bioethics. Not specific to AIDS, the commission would nonetheless be called on to discuss many issues of medical ethics of concern to AIDS victims. Already approved by the Senate, the bill passed the Assembly Health Committee and goes to Assembly Ways and Means next week.

- SB 935, by Sen. Don Rogers, R-Bakersfield, would permit health officials to contact persons about AIDS exposure and testing when names are voluntarily provided by sex partners and partners who shared needles. Passed by the Senate, the bill is now in the Assembly.

- SB 942, by Sen. John Seymour, R-Anaheim, would require testing of cadavers and donated body parts and reporting of names of reactive blood donors to public health authorities when blood banks cannot locate donors. Passed by the Senate, it now is in the Assembly.

- SB 1108, by Sen. Bill Greene, D-Los Angeles, would provide a presumption of disability for persons diagnosed with AIDS-related complex. It has been passed by the Senate and now is awaiting action by Assembly Ways and Means.

- SB 1535, by Sen. Barry Keene, D-Vallejo, would establish a confidential section on death certificates, to better track AIDS victims. It is scheduled in the Senate Appropriations Committee next week.

- AB 249, by Assemblyman Burt Margolin, D-Los Angeles, would require the state to seek federal waivers to include home and community-based services to AIDS patients under Medi-Cal. Passed by the Assembly, it now is in the Senate.

- AB 250, by Assemblywoman Teresa Hughes, D-Los Angeles, would allow health professionals to disclose antibody test results to the spouse of a patient. It was passed by the Assembly and now is in the Senate.

- AB 600 by Assemblyman Philip Isenberg, D-Sacramento, would create the California Catastrophic Health Coverage Program for persons who cannot obtain health insurance. Passed by the Assembly, the bill is in the Senate Insurance Committee. If the Senate clears it, the measure faces a veto by the governor, who killed a similar measure last year.

- AB 806, by Assemblyman Richard Floyd, D-Gardena, would require county hospitals to provide AIDS antibody testing and counseling to victims of rape or sexual assault and would permit voluntary inmate participation in AIDS research. The bill was passed by the Assembly and the Senate Health and Human Services Committee and is on its way to the Senate floor.

- AB 1200, by Assemblywoman Doris Allen, R-Cypress, would authorize schools to educate parents to answer questions about health and sex education and AIDS. Passed by the Assembly, the bill is being considered by the Senate Education Committee.

- AB 1335 by Assemblyman William Lancaster, R-Covina, would require counties to provide medical treatment for emergency medical workers exposed to a contagious disease. Passed by the Assembly, the bill is in the Senate Health and Human Services Committee.

- AB 1482 by Assemblyman Tom Bane, D-Van Nuys, would study transfusion-related AIDS and hepatitis in patients who receive platelet transfusions. Passed by the Assembly, the bill now is in the Senate Health Committee.

- AB 1951 and 1952 by Assemblyman William Filante, R-San Rafael, would allow conservators to authorize an antibody test for incompetent persons and require sperm and tissue banks to be licensed and regulated. The bill was passed in the Assembly and referred to the Senate Health Committee.