

# Measure R385

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## **INSTRUCTIONS:**

Please carefully read the following description of a ballot measure that was written by a disinterested expert. Feel free to take notes or outline passages as you read.

This should take approximately 10 minutes.

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## **BALLOT MEASURE R385**

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### **BACKGROUND**

Acquired immune deficiency syndrome (AIDS) is a disease that impairs the body's normal ability to resist harmful diseases and infections. The disease is caused by a virus-the human immunodeficiency virus(HIV) that is spread through intimate sexual contact or exposure to the blood of an infected person. As of the preparation of this analysis, there is no readily available method to detect whether a person actually has the AIDS virus. A test does exist to detect whether a person has ever been infected with the AIDS virus and, as a result, has developed antibodies to it. A person infected with the AIDS virus may or may not develop the AIDS disease after a period of years. There is no known cure for AIDS, which is ultimately fatal.

AIDS became a recognized disease in 1981. Since then almost 12,000 persons in California have been diagnosed as having this disease, and about 7,000 of them have died. The State Department of Health Services estimates that possibly 500,000 persons in California are currently infected with the AIDS virus. The department estimates that by 1991 a total of approximately 50,000 AIDS cases will have been identified in the 10 years since AIDS became a recognized disease.

***Existing Laws Covering Communicable Diseases.*** Local health officers have broad authority to take actions they believe are necessary to protect public health and prevent the spread of disease-causing organisms. However, this broad authority is limited to situations where there is a reasonable belief that the individual affected has or may have the disease and poses a danger to the public. The kind of action taken by health officers varies, depending on how easily an organism is spread from one person to another. For example, to prevent the spread of a disease, local health officers may require isolation of infected or diseased persons, and quarantine of exposed persons. In addition, persons infected with a disease-causing organism may be excluded from schools for the duration of the infection and excluded from food handling jobs. In some cases, these actions may be taken with respect to persons suspected of having the infection or the disease.

***Current AIDS Reporting Requirements.*** Physicians and other health care providers are now required to report the names of persons who have certain listed communicable diseases to local health officers who, in turn, report the cases to the State Department of Health Services. As of the preparation of this analysis, AIDS is not on the list of communicable diseases that must be reported to local health officers. However, AIDS is being reported under a regulation that requires

an unusual disease, not listed as a communicable disease, to be reported by local health officers. Under other provisions of law, hospitals are required to report the names of persons who have AIDS to local health officers who, in turn, report the cases to the State Department of Health Services.

With limited exceptions, existing law does not allow the release of the names or other identifying information for persons who take a blood test to determine the presence of antibodies to the AIDS virus. This test indicates that a person has been infected with the virus. Counties must report to the state the number of cases in which blood tests performed at certain facilities reveal that a person has been infected with the virus.

According to the State Department of Health Services, persons who have AIDS and persons who are capable of spreading the AIDS virus are subject to existing communicable disease laws. However, no health officer has ever taken any official action to require persons infected with the AIDS virus to be isolated or quarantined, because there is no medical evidence which demonstrates that the AIDS virus is transmitted by casual contact with an infected person. In addition, no health officer has recommended excluding persons with AIDS, or those who are capable of spreading AIDS, from schools or jobs.

## **PROPOSAL**

This measure declares that AIDS and the "condition of being a carrier" of any virus that causes AIDS are communicable diseases. The measure also requires the State Department of Health Services to add these conditions to the list of diseases that must be reported. The Effect of these provisions would be to require that the names of those who are "carriers of the AIDS virus," in addition to those who have the disease, be reported. No test to determine whether a person is a "carrier of the AIDS virus" is readily available. It is likely, however, that the HIV antibody test would be interpreted as a test for the AIDS virus for purposes of the measure, because medical professionals use the test in this manner.

If the measure is interpreted to require reporting the names of individuals who test positive for the HIV antibody, the measure would affect existing laws related to testing. First, the measure would require certain state-funded testing programs to obtain the names of persons receiving the tests in order to facilitate reporting to local health officers as mandated by the measure. Currently, these tests are provided on an anonymous basis. Second, the measure would require release of these names to local health officers if the test shows that the person has the HIV antibody.

The measure also states that the Department of Health Services and all health officers "shall fulfill all of the duties and obligations specified" under the applicable laws "in a manner consistent with the intent of this act." Although the meaning of this language could be subject to two different interpretations, it most likely means that the laws and regulations which currently apply to other communicable diseases shall also apply to AIDS and the condition of being a carrier" of the AIDS virus. Thus, health officers would continue to exercise their discretion in taking actions necessary to control this disease. Based on existing medical knowledge and health department practices, few, if any, AIDS patients and carriers of the AIDS virus would be placed in isolation or under

quarantine. Similarly, few, if any, persons would be excluded from schools or food handling jobs. If, however, the language is interpreted as placing new requirements on health officers, it could result in new actions such as expanding testing programs for the AIDS virus, imposing isolation or quarantine of persons who have the disease, and excluding persons infected with the AIDS virus from schools and food handling positions.



**STOP!**

Please go to the online survey, enter the 4-character code for this ballot measure (printed at the top and bottom of this page) and answer the survey questions.