

California moves toward AIDS testing

by John Grauerholz, M.D.

Confronted with an estimated 300,000 to 500,000 individuals infected with the AIDS virus, California state health officials are asking for the authority to conduct mandatory AIDS testing "when there is a compelling public health need to do so." The request is part of a comprehensive plan released on April 9, 1986 by Dr. Kenneth Kizer, director of the Department of Health Services. Kizer's request, and the opposition it has stirred from such luminaries as Dr. Neil Schram of the Los Angeles City/County AIDS Task Force, and Assembly Speaker Willie Brown (D-San Francisco), is symptomatic of the more fundamental problem which AIDS represents.

The authority which Kizer seeks, already exists on the statute books of the state of California, and just about every other state in the union. AIDS is a communicable disease, just like hepatitis, tuberculosis, and more than a score of others for which public health statutes exist. These statutes provide for case reporting, screening, and isolation and quarantine where needed to prevent the spread of infection. Medically, AIDS is a communicable disease, and a highly lethal one, with the potential to become the Black Death of the 20th century. Politically it has become the property of the so-called "Gay Lobby," which in the name of "civil rights" is vigorously opposing any attempt to confront the public health implications of the disease.

Under this sort of pressure we see the spectacle of the health director of California trying to get the State Legislature to grant him an authority which he already possesses, so that they can take the heat along with him, or more likely, share the blame when the full extent of the catastrophe is evident to all. Symptomatic of the absurdities to which this can lead is the role of the Health Department and the Gay Lobby in California State Senate committee hearings on two bills related to the AIDS problem.

On April 8, hearings were held before the Judiciary Committee on Senate Bill 1513, sponsored by State Sen. John Doolittle of the First District, which would give prison medical officers the right to test any inmate suspected of having AIDS without having to obtain prior written approval from the prisoner. To date, nearly 800 cases of AIDS have been

documented in prisoners, predominantly in the northeast United States. The potential for transmission of the virus, under conditions of crowding and in situations in which homosexual rape is common, is enormous. In addition, to argue that a prisoner who has already been deprived of his civil rights under due process of law retains a right to spread a deadly communicable disease to his fellow inmates, is truly ludicrous. Nonetheless, a dying homosexual, in the terminal stages of AIDS virus brain disease, wheeled his wheelchair up to the witness table to plead for the civil rights of the AIDS virus, contending that any attempt to control the spread of this deadly disease in the state's prisons was a threat to his lifestyle.

A representative of an association of medical officers recited the line from the Centers for Disease Control (Atlanta) against testing, in opposition to the bill. He was somewhat taken aback when the author of this article cited growing evidence that 100% of those infected with the virus would ultimately die from it. So was the committee, which voted the bill up, 6 to 1.

The second bill sponsored by Senator Doolittle, was SB 1478, calling for premarital testing for AIDS virus infection along with the already mandatory test for syphilis. Hearings were held in front of the Senate Health Committee. The bill proposed that the test would be required for obtaining a marriage license, but that the results would only be reported to the individual tested. The purpose of the bill, as explained by Senator Doolittle, was to protect unborn children by making potential parents aware that if they tested positive, there was a high probability of transmission to their children. The confidentiality even extended to not informing the prospective spouse.

Since the bill applied only to heterosexual couples contemplating marriage, and therefore potential parents, the Gay Lobby was out of this one and did not put in an appearance, or at least an overt one. Instead two representatives of Dr. Kizer's Health Department showed up and testified that the tests would cost \$30 each, and that a confirmation by Western Blot would cost an additional \$110. They were somewhat disconcerted when Gus Sermos, who negotiated the contract with Abbott Labs for AIDS tests in Florida, testified that Florida got the tests for \$3 apiece. Their discomfiture was complete when a doctor from the Blood Bank, who was present to testify against the bill, admitted, in response to a question from a committee member, that the cost of the ELISA test, plus two repeats and a Western Blot, came to a total of \$65, and that a single test was \$3, as Mr. Sermos had stated. The ACLU then testified that the bill, which they apparently had not read, was entirely too broad and all encompassing, while being too specific. Senator Doolittle, in his summary, pointed out the numerous, and in some cases, ludicrous, inconsistencies in the testimony against the bill. The committee voted to put the bill over to the following week. This represented a significant accomplishment, since this is a very liberal committee.