



1615 Capitol Ave., Suite 73.771
P.O. Box 997377, MS 7003
Sacramento, CA 95899-7377

PHONE: 916.440.7594
FAX: 916.440.7595
<http://www.cclho.org>

Leah Northrop, MPA, MAIS
Executive Administrator
Leah.Northrop@cdph.ca.gov

March 28, 2016

Karen L. Smith, MD, MPH, Director and State Public Health Officer
California Department of Public Health
1615 Capitol Avenue, Suite 73.720
PO Box 997377, MS 0500
Sacramento, CA 95899-7377

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RE: Decriminalization: HIV Reactive Donors

Dear Dr. Smith:

The California Conference of Local Health Officers (CCLHO) voted at the CCLHO Board meeting on March 3, 2016 to recommend support for the introduction of legislation to decriminalize the donation of tissues, blood, semen or breast milk for individuals in the State of California who test reactive to HIV. CCLHO urges the California Department of Public Health (CDPH) to support such legislation as well.

Screening for HIV is already an integral component of universal testing for all donations and includes screening donors for high risk activities as well as highly sensitive tests to detect and remove infected donations. This bill does not change any of those procedures. The bill does modernize the law with respect to donations by removing provisions which unnecessarily stigmatize and criminalize individuals living with HIV/AIDS. The current stigma and criminalization of HIV/AIDS can cause fear of HIV screening and create barriers to early testing and treatment.

In addition, this bill would allow for organ donation between HIV-positive donors and HIV-positive recipients, bringing state law in line with federal law under the federal HOPE (HIV Organ Policy Equity) Act. The HOPE Act was signed into law by President Barack Obama on November 21, 2013.

As you are aware, CCLHO was established in statute in 1947 to advise the California Department of Health Services (now the California Department of Public Health), other departments, boards, and commissions, as well as officials of federal, state and local agencies, the Legislature and other organizations on all matters affecting health. CCLHO membership consists of all legally appointed physician health officers in California's 61 city and county jurisdictions.

This position is consistent with CCLHO's Criteria for Priority Legislation in that it is an opportunity for health officers to use their professional expertise to inform public policy in a manner that will protect vulnerable populations (persons with HIV). It is further consistent with the strategic priority of taking a leadership role in the practice of public health and policy development.

If you have any questions, please do not hesitate to contact me at jberreman@ci.berkeley.ca.us or at 510-981-5301. Thank you.

Sincerely,

Original signed by Dr. Berreman

Janet Berreman, MD, MPH
President, California Conference of Local Health Officers