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May 23, 2017

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Karen L. Smith, MD, MPH
Director and State Public Health Officer
California Department of Public Health
P.O. Box 997377, MS 0500
Sacramento, CA 95899-7377

**Re: SB 239 (Weiner): Infectious and Communicable: HIV and AIDS
Criminal Penalties (Oppose Unless Amended)**

Dear Dr. Smith:

The California Conference of Local Health Officers (CCLHO) voted at the CCLHO Semiannual Conference Business Meeting on May 3, 2017 to take an Oppose Unless Amended recommendation on SB 239 (Weiner), a bill that would repeal existing law that makes it a felony to expose another person to HIV when a person knows he or she is infected with HIV and has not disclosed his or her HIV-positive status. SB 239 would also significantly amend Health and Safety Code 120290, the statute that punishes the willful exposure of any communicable disease to another person as a misdemeanor and is referenced in Health Officer Orders to prevent the spread of communicable diseases, such as Tuberculosis.

Of note, CCLHO is fully supportive of the decriminalization of HIV and treating HIV transmission the same as other communicable diseases. However, any modifications to Health and Safety Code 120290 would decrease the ability of local health officers to enforce isolation orders. While not commonly applied, health officers have found this statute to be helpful in urgent cases of infectious diseases with potentially serious consequences, such as during the SARS epidemic. Therefore, the health officers voted to support that this statute stay in its current state without amendments. Moreover, CCLHO members expressed the hope that the intent of SB 239 could be achieved without modifying Health and Safety Code 120290.

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.

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This position of Oppose Unless Amended to not make any changes to Health and Safety Code 120290 is consistent with CCLHO's legislative priority of providing recommendations on issues that strengthen, weaken, or change the role of the health officer. This position is also consistent with CCLHO's strategic priority of providing advice and scientific expertise on public health matters.

If you have any questions, please feel free to contact me at Ken.Cutler@co.nevada.ca.us or at 530-265-7154.

Sincerely and on behalf of the CCLHO membership,

Original signed by Dr. Ken Cutler

Ken Cutler, MD, MPH
President, California Conference of Local Health Officers
