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[AB 2809 Pacheco]
OPPOSING CALIFORNIA ASSEMBLY BILL 2809 (ROBERT PACHECO) (AB "2809"),
WHICH WOULD MAKE ROUTINE THE HIV TESTING OF PREGNANT WOMEN.

WHEREAS, Current law requires that physicians offer HIV information, counseling and testing to all prenatal patients; and

WHEREAS, AB 2809 seeks to (1) modify these provisions, (2) make routine the HIV testing of pregnant women in California, (3) make such testing information available to the State Department of Health Services; and (4) waive for pregnant women the requirement that a patient's written consent to HIV testing must be obtained; and

WHEREAS, The effectiveness of current law, as evidenced by positive public health outcomes in the area of perinatal HIV transmission, makes AB 2809 unnecessary and poor public health policy; and

WHEREAS, Perinatal AIDS cases in California dropped 89% between 1993 and 1999; and

WHEREAS, Five, out of an estimated 520,000, live births were diagnosed with perinatally acquired AIDS in California in 1999; and

WHEREAS, The California State Office of AIDS conducted a study which found that nearly all prenatal care providers surveyed (98.4%) routinely offer prenatal HIV testing to their patients; and

WHEREAS, Though AB 2809 provides that a woman may refuse HIV testing after receiving information and counseling, by adding the test to the multitude of those routinely performed on blood samples of pregnant women, by excluding any explicit requirement that a woman be informed of her

1 right of refusal, and by removing the requirement that her written consent be obtained, a woman's right
2 to informed consent would be severely compromised; and

3 WHEREAS, The failure to provide for informed consent reduces the degree of information and
4 autonomy afforded pregnant and delivering women and diminishes the rights of women over their
5 reproductive decisions; and

6
7 WHEREAS, Excluding pregnant women from informed consent requirements raises concerns of gender
8 discrimination and invasion of privacy; and

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10 WHEREAS, Routine testing for HIV may discourage pregnant women from receiving prenatal care;
11 and

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13 WHEREAS, Women who are engaged as active participants in their health care decisions relating to
14 HIV and are offered the option of voluntary HIV testing agree to be tested at very high rates; and

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16 WHEREAS, In a study of over 32,400 pregnant women conducted by Kaiser Permanente Hospitals in
17 California, 90% of pregnant women who received counseling and educational materials voluntarily
18 consented to be tested; and

19
20 WHEREAS, Names based reporting has been shown to be a disincentive to testing and early treatment
21 for individuals most at-risk for HIV infection; and

22
23 WHEREAS, AB 2809 requires the reporting to the State Department of Health Services of, among
24 other things, information related to a woman's HIV test; and

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26 WHEREAS, The City and County of San Francisco has consistently supported the reporting of HIV by
27 unique identifier and opposed the reporting of HIV by name; and

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WHEREAS, The City and County of California has consistently supported voluntary HIV testing and counseling; now, therefore, be it

RESOLVED, That the Board of Supervisors of the City and County of San Francisco opposes AB 2809 as amended on April 24, 2000.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Resolution

File Number: 000758

Date Passed:

Resolution opposing California Assembly Bill 2809 (Robert Pacheco) (AB "2809"), which would make routine the HIV testing of pregnant women.

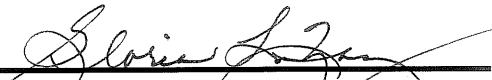
May 1, 2000 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng,
Yaki, Yee

Absent: 1 - Katz

File No. 000758

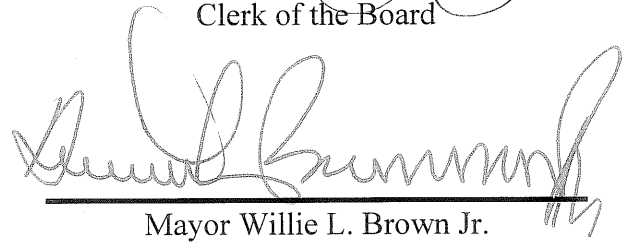
I hereby certify that the foregoing Resolution was ADOPTED on May 1, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

MAY 12 2000

Date Approved



Mayor Willie L. Brown Jr.