

08 FEB 28 PM 3:02



CITY OF OAKLAND
CITY COUNCIL

LEGISLATIVE ANALYST REPORT

To: Council President De La Fuente and Members of the Rules Committee
From: Lupe Schoenberger, Legislative Analyst
Date: March 13, 2008

Re: **BILL ANALYSIS AND RESOLUTION IN SUPPORT OF ASSEMBLY
BILL 1984 (SWANSON) PROVIDING VOLUNTARY HIV/AIDS
TESTING FOR INMATES UPON RELEASE FROM PRISON**

SUMMARY

At the request of Councilmember Nancy Nadel, the attached analysis of AB 1984 (Swanson) and a resolution supporting the measure was prepared in collaboration with the Human Services Department.

REQUESTED ACTION BY THE CITY COUNCIL

Adopt a resolution in support of AB 1984 (Swanson).

Respectfully submitted,

A handwritten signature in cursive script that reads "Lupe Schoenberger".

Lupe Schoenberger
Legislative Analyst

CITY OF OAKLAND

BILL ANALYSIS



Date: March 13, 2008

Bill Number: AB 1984

Bill Author: Assembly Member Swanson

DEPARTMENT INFORMATION

Contact: Lupe Schoenberger, Legislative Analyst – Rules Committee

Department: City Council

Telephone: Office# 510-238-77052

Fax # 510-238-7207

E-mail: lschoenberger@oaklandnet.com

RECOMMENDED POSITION:
SUPPORT

Summary of the Bill

AB 1996 requires the State Department of Public Health in coordination with the Department of Corrections and Rehabilitation, to make tests for the probable causative agent of AIDS available at each state prison or at another location convenient to the prison, for each inmate of a state prison on a voluntary basis, immediately upon the inmate's release from the prison.

Positive Factors for Oakland

According to information from current Transitional Case Management Providers (TCMP – a current statewide CDCR program); approximately 50% of HIV+ males inmates contracted the disease through sex with men, 45% of inmates contracted HIV through injection drug use and/or illegal tattooing all behaviors commonplace during incarceration. With pre-release testing and post-testing counseling, many newly identified HIV+ inmates can begin to access services available through several Oakland-based providers. Knowledge of one's HIV status and allowing the individual to receive potentially life saving medical treatment will have the potential of reducing the transmission of HIV to unaffected partners in the community.

Negative Factors for Oakland

None known at this time.

Item: _____
Rules & Legislation Comte.
Date xx, 2008

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

- Critical** (top priority for City lobbyist, city position required ASAP)
- Very Important** (priority for City lobbyist, city position necessary)
- Somewhat Important** (City position desirable if time and resources are available)
- Minimal or** **None** (do not review with City Council, position not required)

Known support:

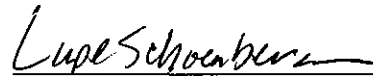
Alameda County Public Health Department, AIDS Project Los Angeles

Known Opposition:

None known at this time.

Attach bill text and state/federal legislative committee analysis, if available.

Respectfully Submitted,



Lupe Schoenberger
Legislative Analyst, Rules Committee

Item: _____
Rules & Legislation Comte.
March 13, 2008

ASSEMBLY BILL

No. 1984

Introduced by Assembly Member Swanson

February 14, 2008

An act to add Section 120855.5 to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1984, as introduced, Swanson. Public health: HIV/AIDS testing: prison inmates.

Existing law requires the State Department of Public Health to implement and administer various acquired immunodeficiency syndrome (AIDS) and human immunodeficiency virus (HIV) prevention and treatment programs in the state, and requires that each county, as designated by the State Public Health Officer, make available specified tests for the antibody to the probable causative agent for AIDS available within its jurisdiction without charge, in an accessible manner, and on an anonymous basis, through the use of a coded system without linking the individual identity with the test request or results.

This bill would require the department, in coordination with the Department of Corrections and Rehabilitation, to make tests for the probable causative agent of AIDS available at each state prison or at another location convenient to the prison, for each inmate of a state prison on a voluntary basis, immediately upon the inmate's release from the prison. The bill would provide that any information regarding an individual's HIV/AIDS status that is obtained through such a voluntary test shall be kept confidential, but would authorize the department, after obtaining the written consent of the person who is the subject of the test, to furnish information about the person's HIV/AIDS status to other

public agencies for the purpose of assisting those agencies in determining the person's eligibility for public health and social service benefits. The bill would provide that its provisions shall only become operative to the extent that funds are made available for those purposes, upon appropriation by the Legislature in the annual Budget Act or other statute.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 120855.5 is added to the Health and
2 Safety Code, to read:
3 120855.5. (a) The department shall, in cooperation with the
4 Department of Corrections and Rehabilitation, make available tests
5 for the probable causative agent of AIDS at each state prison or
6 at another location convenient to the prison, for each inmate of the
7 prison on a voluntary basis, immediately upon the inmate's release
8 from the prison.
9 (b) Any personal or medical information regarding an
10 individual's HIV/AIDS status that was obtained from a test
11 provided pursuant to subdivision (a) shall be kept confidential and
12 be afforded protections provided by Section 100330, except as
13 provided by Section 1603.1 or 1603.3. However, the department
14 may, after obtaining the written consent of the person who is the
15 subject of the test, furnish information about the person's
16 HIV/AIDS status to other public agencies for the purpose of
17 assisting those agencies in determining the person's eligibility for
18 public health and social service benefits.
19 (c) This section shall be implemented only to the extent that
20 funds are made available for that purpose, upon appropriation by
21 the Legislature, in the annual Budget Act or other statute.

DRAFT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

City Attorney

08 FEB 28 PM 3: 03

RESOLUTION No. _____ **C.M.S.**

**RESOLUTION IN SUPPORT OF ASSEMBLY BILL 1984 (SWANSON)
PROVIDING VOLUNTARY HIV/AIDS TESTING
FOR INMATES UPON RELEASE FROM PRISON**

WHEREAS, according to information from current Transitional Case Management Providers (TCMP – a current statewide CDCR program); approximately 50% of HIV positive male inmates contracted the disease during incarceration; and

WHEREAS, with pre-release testing and post-testing counseling, many newly identified HIV positive inmates can begin to access services available through several Oakland-based providers; and

WHEREAS, knowledge of one’s HIV status and allowing the individual to receive potentially life saving medical treatment will have the potential of reducing the transmission of HIV to unaffected partners in the community; and

WHEREAS, AB 1996 requires the State Department of Public Health in coordination with the Department of Corrections and Rehabilitation, to make tests for the probable causative agent of AIDS available at each state prison or at another location convenient to the prison, for each inmate of a state prison on a voluntary basis, immediately upon the inmate’s release from the prison; now therefore be it

RESOLVED: that the City of Oakland declares its support for AB1984 (Swanson); and be it

FURTHER RESOLVED: that the City Administrator and the City’s state lobbyist are directed to advocate the City’s position to the State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE: BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST _____
LaTonda Simmons
City Clerk and Clerk of the Council,
City of Oakland, California