

## CLA MEMORANDUM

April 27, 2005

Assignment No.: 05-04-0511

Council File No: None

**TO:** Honorable Members, Arts, Parks, Health and Aging Committee

**FROM:** Gerry F. Miller *GFM by TAPK*  
Chief Legislative Analyst

**SUBJECT:** State Legislation RE: AIDS

### **RECOMMENDATION:**

(1) SUPPORT AB 95 (Koretz) which would require manufacturers of drugs for life-threatening chronic conditions on the Medi-Cal or ADAP formulary to pay the State Department of Health Services a rebate equal to the costs of marketing that drug; (2) SUPPORT AB 228 (Koretz) which would prohibit a health care service plan and a health insurer from denying coverage for the costs of organ or tissue transplantation services on the basis that the individual is HIV positive; (3) SUPPORT AB 283 (Koretz) which would require that products containing pseudoephedrine or ephedrine be sold by a licensed pharmacy and by a licensed pharmacist, and would require purchasers of pseudoephedrine or ephedrine to show photo identification and sign a transaction log to be kept by the pharmacy for 3 years and made available to law enforcement upon request; (4) SUPPORT AB 296 (Negrete McLeod) which would require the Director of Corrections to make treatment and testing for Hepatitis C confidential and available at no cost to the inmate, and make comprehensive Hepatitis C education available to all prisoners; (5) SUPPORT AB 568 (Garcia) which would require California medical providers to provide all women patients seeking an annual gynecological exam the option to be HIV tested, IF AMENDED to delete all references relative to the reporting of HIV test results; (6) OPPOSE AB 1217 (Wyland) which would add requirements that comprehensive sexual health education provide instruction and materials on sex outside of marriage, and on refraining from making and accepting unwanted physical and verbal sexual advances; (7) SUPPORT AB 1597 (Laird) which would permit state HIV Prevention funding to be used by authorized syringe exchange programs for the purchase of sterile syringes; and (8) OPPOSE SB 235 (Denham) which would make it a crime for any person to expose another person to HIV by engaging in unprotected sexual activity when the infected person knows that he or she is infected with HIV and has not disclosed his or her HIV-positive status to the other person prior to engaging in the unprotected sex, with intentional or conscious disregard for the health of the other person, as recommended by the AIDS Coordinator's Office, Department on Disability.

### **SUMMARY:**

#### *AB 95 (Koretz)*

The AIDS Coordinator's Office (ACO) reports that Medi-Cal and AIDS Drug Assistance Programs (ADAP) are key health programs for Californians living with HIV/AIDS. The ACO asserts that these programs are increasingly endangered due to the rising cost of prescription medications. The pharmaceutical industry is a highly profitable industry that spends far more on marketing than research and development, and these costs are passed on to consumers and to state programs such as Medi-Cal and ADAP. Introduced January 10, 2005, AB 95 (Koretz)

