PROPS 96 & 102 Rx FOR DISASTER

DON'T LET THEM PLAY POLITICS WITH YOUR HEALTH!

NO ON 96 & 102

OCT. 1988
WHO WOULD YOU TRUST TO MAKE A VITAL DECISION ON YOUR HEALTH?

THESE EXPERTS

- California Medical Association (representing over 37,000 physicians)
- California Nurses Association
- Health Officers Association of California
- Dr. Marcus A. Conant, Chairman, California Department of Health Services Task Force on AIDS
- Dr. Paul Volberding, Head of AIDS Programs, San Francisco General Hospital

OR THEM

- William Dannemeyer
- Sherman Block

All Opposed to Propositions 96 and 102

Sponsors of Propositions 96 and 102
Propositions 96 & 102 Threaten All Californians!

Twice in the last two years Californians overwhelmingly rejected AIDS initiatives backed by Lyndon LaRouche and William Dannemeyer, but now they're at it again! Propositions 96 and 102 seriously threaten the public health, economy, and privacy of all Californians.

The sponsors of these initiatives — Congressman Dannemeyer and Sheriff Block — claim Props 96 and 102 will stop AIDS, but medical experts say these measures would do nothing but make the epidemic worse!

"These propositions are bad medicine and bad public health. I strongly urge Californians to vote NO on 96 and 102!"

— Dr. Laurens White, President, California Medical Association

**PROPOSITION 102**

**WILL FORCE AIDS UNDERGROUND AND OUT OF CONTROL**

The U.S. Surgeon General and President Reagan’s AIDS Commission agree that anonymous and confidential testing are essential to the control of AIDS. These policies are already working to control the epidemic. The Los Angeles Times (9/3/88) reported that the rate of new infections in the hardest hit communities is actually dropping.

But Prop 102 would:

- Ban anonymous testing.
- Destroy confidentiality by requiring public reporting of anyone who merely tested positive for exposure to the AIDS virus.

**PROPOSITION 96 IS MEDICALLY INACCURATE — AIDS IS NOT SPREAD BY ORDINARY CONTACT**

Medical experts agree that AIDS can only be transmitted by direct introduction of the virus into the bloodstream through unsafe sexual acts or shared intravenous needles. Sheriff Block’s Prop 96 falsely claims that coughing or sneezing can transmit AIDS!

Because Block hasn’t gotten the facts on AIDS, he wants to allow police officers to force people to take an AIDS test if it’s even remotely possible that they coughed or sneezed at a law enforcement official.

"No evidence exists whatsoever that AIDS can be transmitted by coughing or sneezing."

— Dr. Laurens White, President, California Medical Association

**BLOCK CLAIMS TO PROTECT WOMEN, BUT PROP 96 WOULD ACTUALLY HURT WOMEN**

Block claims that Prop 96 protects rape victims because it requires anyone accused — not convicted — of a sexual assault to submit to testing for the AIDS virus. But the only way a woman can know if she has been infected is to be tested herself — with confidentiality guaranteed and counseling provided. But Proposition 96 provides neither confidentiality nor counseling. That’s why the California State Coalition of Rape Centers opposes Prop 96.

"Don’t be fooled. This initiative wouldn’t help crime victims or law enforcement officials. It is a wasteful, unnecessary measure which responsible public health and law enforcement authorities oppose."

— Michael Hennessy, Sheriff, City and County of San Francisco

**PROPOSITIONS 96 AND 102 WOULD COST HUNDREDS OF MILLIONS OF DOLLARS**

The official California ballot analysis states that Props 96 and 102 could cost taxpayers hundreds of millions of dollars — money which could be used for programs now working to stop AIDS. In addition, by allowing insurance companies to shirk their responsibilities, Prop 102 shifts the health care bill for those who lose their private insurance onto the backs of California’s taxpayers. That’s why prominent state officials have called Props 96 and 102 a financial nightmare!

**PROPOSITIONS 96 AND 102 ARE BAD LAW AND BAD MEDICINE**

AIDS presents special challenges in the fields of public health and law enforcement. Health and public safety officials have already devised efficient, medically-sound, and compassionate policies to deal with these issues. Propositions 96 and 102 are not the answer! They are medically irresponsible and financially disastrous measures which would fuel the fires of fear and discrimination.

DON’T BE FOOLIED... VOTE NO ON 96 & 102!
JOIN WITH THESE SUPPORTERS OF OUR CAMPAIGN TO DEFEAT PROPOSITIONS 96 AND 102:

- California Medical Association
- California Nurses Association
- Health Officers Assn. of California
- National Organization for Women
- Mexican American Political Assn.
- NAACP
- American Civil Liberties Union
- AIDS Project Los Angeles
- State Coalition of Rape Crisis Centers
- United Farm Workers
- Los Angeles Councilman Mike Woo
- Los Angeles Mayor Tom Bradley
- Michael Hennessey, Sheriff, City and County of San Francisco
- Rabbi Leonard Thal, President, Union of American Hebrew Congregations

For further information contact:
NO ON 96 & 102 COMMITTEE
Phone: (213) 386-0136
3670 Wilshire Blvd., Suite 200, Los Angeles CA 90010
240 Golden Gate Avenue, San Francisco CA 94102

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YOU

MIGHT BE THE VICTIM OF THE MOST DANGEROUS INITIATIVE IN YEARS.
“Proposition 102 is bad medicine.”
Laurens White, M.D.
President, California Medical Association

California’s most trusted medical experts urge you to vote

NO on 102

California Medical Association
California Nurses Association
California Association of Hospitals and Health Systems
Health Officers Association of California
California Dental Association
California Hemophilia Council
California State Psychological Association
California Pharmacists Association

…and so do government, business and community leaders:

Senator Pete Wilson
Senator Alan Cranston
Lt. Governor Leo McCarthy
Attorney General John Van de Kamp
Controller Gray Davis
Superintendent of Public Instruction Bill Honig
California Chamber of Commerce
California Taxpayers Association
California Federation of Labor AFL-CIO
League of Women Voters of California
Police Officers Research Action Committee
California Conference of Catholic Bishops
League of California Cities
(partial list)
A careless accusation could ruin your life...

Inaccurate blood tests or careless accusations would shatter the lives of many perfectly healthy people.

Proposition 102 would allow insurance companies and employers to demand blood tests for AIDS exposure. Everyone who tested positive would then be reported to the government and could be subjected to discrimination, including losing their jobs or healthcare. Because AIDS exposure tests aren't always accurate, many Californians would be falsely and needlessly reported.

Even worse, under Prop 102, persons would be reported on the mere suspicion that they might have been exposed. Positive test results aren't even necessary.

Can we trust the government to keep this personal information confidential? Of course not.

A huge bureaucracy would cost you a fortune...

Everyone agrees that the government should spend more to fight AIDS. But Proposition 102 would be a colossal waste of money. It wouldn't stop the spread of AIDS—it would make the epidemic much worse.

Proposition 102 could cost $1.75 billion in the first year alone, according to University of California economists.

Proposition 102 would create a huge government bureaucracy. It would allow insurance companies to dump hundreds of millions of dollars in healthcare costs on the taxpayers.

The initiative would devour the $75 million that the state now spends on effective AIDS prevention and research, and still require more than a billion dollars more. With current budget deficits, only massive tax increases or cuts in needed services could pay for Proposition 102.

A halt to research and prevention would endanger your health...

Proposition 102 would dismantle effective AIDS research, prevention and treatment programs. The initiative would abolish voluntary anonymous testing, which has dramatically reduced the spread of new infections and has helped protect the blood supply.

Proposition 102 would discourage those who have been exposed to AIDS from seeking early treatment to save their lives, from learning how not to infect others, and from participating in vital AIDS research to find a cure and vaccine.

If Proposition 102 passes and AIDS is allowed to spread unchecked through California, your health and the health of your family are at risk.
To get involved in the campaign against Proposition 102, or for more information, contact:

**Californians Against Proposition 102**

7985 Santa Monica Blvd.  
Suite 109-343  
Los Angeles 90046  
213-654-3757

10 United Nations Plaza  
Suite 410  
San Francisco 94102  
415-621-4450

Local Campaign Contacts:

- Alameda/Contra Costa: **415-843-4272**
- Fresno: **209-264-AIDS**
- Orange: **714-724-9617**
- Sacramento: **916-444-0657**
- San Diego: **619-294-6564**
- San Mateo/Santa Clara: **408-298-8844**
- Santa Cruz: **408-426-6520**

**RETURN THIS COUPON TODAY!**

**I'll help defeat Proposition 102!**

- □ Enclosed is a contribution of $__________.
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Make checks payable to **Californians Against Proposition 102**. Donald Disler, Treasurer, ID #881396. Contributions are not deductible as charitable contributions for federal income tax purposes.
PROPS
96 & 102
Rx FOR
DISASTER

BLOCK  Larouche  Dannemeyer

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 HEALTH OFFICERS ASSOCIATION OF CALIFORNIA
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 DR. PAUL VOLBERDING, HEAD OF AIDS PROGRAMS, SAN FRANCISCO GENERAL HOSPITAL

 OR THEM

 WILLIAM DANNEMEYER
 SHERMAN BLOCK

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"These propositions are bad medicine and bad public health. I strongly urge Californians to vote NO on 96 and 102."
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**PROPOSITION 102 WOULD FORCE AIDS UNDERGROUND AND OUT OF CONTROL**

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- Ban anonymous testing.
- Destroy confidentiality by requiring public reporting of anyone who merely tested positive for exposure to the AIDS virus.

"When a state requires reporting of those infected with the AIDS virus, those infected go underground out of the mainstream of health care and education. For this reason current public health practice is to maintain the strictest confidentiality concerning health records."
— U.S. Surgeon General Koop's Report on AIDS.

Prop 102 would also:
- Allow employers and insurance companies to require AIDS tests. Based on test results, people would be fired from their jobs and denied medical insurance, shifting the cost of care to the taxpayer.
- Require people who test positive to name their sexual partners for the past ten years, creating witch hunts which would ruin the lives of perfectly healthy people.

These measures punish people for being sick and will make them afraid to seek medical care. Frightening people away from confidential testing and counseling programs will only help spread the epidemic, not control it!

"When politicians use the AIDS crisis to further their own careers, it is wrong. There is too great a need, too many people are suffering."
— Barbara Cleaver, Co-founder, Mothers of AIDS Patients

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- California Nurses Association
- Health Officers Assn. of California
- National Organization for Women
- Mexican American Political Assn.
- NAACP
- American Civil Liberties Union
- AIDS Project Los Angeles
- State Coalition of Rape Crisis Centers
- United Farm Workers
- Los Angeles Councilman Mike Woo
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- Michael Hennessy, Sheriff, City and County of San Francisco
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For further information contact:
NO ON 96 & 102 COMMITTEE
Phone: (213) 386-0136
3670 Wilshire Blvd., Suite 200, Los Angeles CA 90010
240 Golden Gate Avenue, San Francisco CA 94102

NO ON 96 AND 102
P.O. Box 794, Los Angeles CA 90078

YES! I’D LIKE TO HELP

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State law requires donors of $100 or more to state occupation and employer.
YOU MIGHT BE THE VICTIM OF THE MOST DANGEROUS INITIATIVE IN YEARS.
“Proposition 102 is bad medicine.”
Laurens White, M.D.
President, California Medical Association

California’s most trusted medical experts urge you to vote

NO on 102

California Medical Association
California Nurses Association
California Association of Hospitals and Health Systems
Health Officers Association of California
California Dental Association
California Hemophilia Council
California State Psychological Association
California Pharmacists Association

...and so do government, business and community leaders:

Senator Pete Wilson
Senator Alan Cranston
Lt. Governor Leo McCarthy
Attorney General John Van de Kamp
Controller Gray Davis
Superintendent of Public Instruction Bill Honig
California Chamber of Commerce
California Taxpayers Association
California Federation of Labor AFL-CIO
League of Women Voters of California
Police Officers Research Action Committee
California Conference of Catholic Bishops
League of California Cities
(partial list)
I’LL HELP DEFEAT PROPOSITION 102,
THE DANEMEYER AIDS INITIATIVE

☐ Enclosed is a contribution of $ __________
(MAKE CHECKS PAYABLE TO: CALIFORNIANS AGAINST PROPOSITION 102)

☐ I will host a House Party
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(REQUIRED ON CONTRIBUTIONS OF $100 OR MORE)

CALIFORNIANS AGAINST PROPOSITION 102
7985 SANTA MONICA BLVD, #109-343, WEST HOLLYWOOD, CA 90046
PAID FOR BY CALIFORNIANS AGAINST PROPOSITION 102. Don Disler, Treasurer, ID #881396
Contributions are not deductible as charitable contributions for federal income tax purposes.
A careless accusation could ruin your life…

Inaccurate blood tests or careless accusations would shatter the lives of many perfectly healthy people.

Proposition 102 would allow insurance companies and employers to demand blood tests for AIDS exposure. Everyone who tested positive would then be reported to the government and could be subjected to discrimination, including losing their jobs or healthcare. Because AIDS exposure tests aren’t always accurate, many Californians would be falsely and needlessly reported.

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**Californians Against Proposition 102**

7985 Santa Monica Blvd. 10 United Nations Plaza
Suite 109-343 Suite 410
Los Angeles 90046 San Francisco 94102
213-654-3757 415-621-4450

**Local Campaign Contacts:**

Alameda/Contra Costa: 415-843-4272
Fresno: 209-264-AIDS
Orange: 714-724-9617
Sacramento: 916-444-0657
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I'll help defeat Proposition 102!

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☐ I'll volunteer to help in the campaign.

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YOU

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California’s most trusted medical experts urge you to vote

NO on 102

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California Nurses Association
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Health Officers Association of California
California Dental Association
California Hemophilia Council
California State Psychological Association
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California Chamber of Commerce
California Taxpayers Association
California Federation of Labor AFL-CIO
League of Women Voters of California
Police Officers Research Action Committee
California Conference of Catholic Bishops
League of California Cities
(partial list)
Don't make the mistake of thinking that Proposition 102 will help stop AIDS. This initiative is deceptive and dangerous. Proposition 102 is NOT about reporting people with AIDS or punishing people who willfully infect others. That's already done under state law.

Proposition 102 would NOT just affect some other people. It directly threatens your health and freedom—and that of all Californians.

A politician wants to tell your doctor how to do his job...

Like the two previous initiatives on AIDS that California voters defeated overwhelmingly, Prop 102 was proposed by an extremist politician, not by medical professionals with expertise on AIDS.

The people who know about AIDS know Prop 102 would be a disaster. Medical science researchers, public health officials and the 40,000 doctors of the California Medical Association oppose Proposition 102 as counterproductive in their fight against AIDS.

Proposition 102 lets politicians interfere with the ability of our doctors to treat diseases and our public health officials to control AIDS. It would even make doctors guilty of a crime for doing what is best for their patients.

We can't let reckless politicians play games with our lives!

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213-654-3757 415-621-4450

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☐ I'll volunteer to help in the campaign.

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(required for contributions $100 and over)

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If you thought LaRouche was crazy...
California’s most trusted medical experts urge you to vote

NO on 102

- California Medical Association
- California Nurses Association
- California Association of Hospitals and Health Systems
- Health Officers Association of California
...now someone wants to wipe out years of progress against AIDS!

Twice in the past two years, California voters have said, “NO!” to a political demagogue trying to interfere with effective programs to stop AIDS.

Now Congressman William Dannemeyer has proposed an initiative even more extreme and irrational than the AIDS Quarantine Initiative (Propositions 64 and 69) proposed by Lyndon LaRouche — an initiative that could make AIDS worse!

Don’t be fooled! Proposition 102 does not require reporting of AIDS cases, which are currently reported! What Proposition 102 does is wipe out confidentiality protection for AIDS tests.

Prop 102 would wipe out programs that are controlling AIDS!

Proposition 102 puts out the simple-minded argument that we should “treat AIDS like any other disease.” But because AIDS is a much more complex disease than others, medical experts have designed special programs to encourage people at risk for this disease to seek medical care.

Like the LaRouche AIDS quarantine initiatives, Proposition 102 would discourage people from being tested voluntarily for AIDS, because they could lose their jobs, homes or health care. Fewer volunteers would participate in vital research because of these threats.

Approved and funded by Governor Deukmejian’s administration, these programs have helped communities hardest hit by AIDS to dramatically reduce new AIDS infections by:

- Encouraging people to be tested, by keeping AIDS test results confidential.
- Providing AIDS test centers that allow people to be anonymously tested — providing assurances of confidentiality.
- Educating people who may be at risk for AIDS to protect their health and the health of others.
- Encouraging people with positive AIDS tests to participate in research to treat and prevent AIDS.

Prop 102 threatens the health of all Californians!

Proposition 102 threatens millions of Californians, whether they are healthy or not. Proposition 102 would:

- Allow employers and insurance companies to require AIDS virus tests.
- Close all programs that provide critically needed anonymous AIDS testing.
- Require the reporting of names of everyone who tests positive for AIDS, or who has ever tested positive.
- Cost many Californians their jobs, housing and medical insurance, even if they pose no threat to the health of others.
- Require medical personnel to report the names of people whom they merely think may have been exposed to AIDS, creating witchhunts that could ruin the lives of perfectly healthy people.
- Discourage people at risk for AIDS from being voluntarily tested, increasing the chances they unknowingly will transmit the virus to others.
- Cost many Californians their lives by creating a climate of fear that keeps them from seeking early treatments that could save their lives.

Prop 102 could cost taxpayers hundreds of millions of dollars!

The official ballot analysis determined that Proposition 102 could cost hundreds of millions of dollars — money that probably would be taken out of current programs that are working to stop AIDS.

The sponsors of Prop 102 aren’t telling the truth!

Proposition 102 is not about reporting people who have AIDS. The law already requires this. Proposition 102 would require public reporting of all people who merely test positive for exposure to the AIDS virus — and these tests aren’t always accurate.

Proposition 102 wouldn’t increase confidentiality protections for AIDS tests results — it actually repeals California’s AIDS confidentiality laws.

Current laws give health officials sweeping powers to notify people who may be at risk for AIDS and control this disease. And current laws allow doctors to notify a spouse who may be at risk for AIDS, with or without consent of their patient.

Proposition 102 won’t affect insurance rates if it passes. What it will do is let insurance companies ignore their responsibilities in this health crisis. It will shift the burden of health care onto expensive taxpayer-funded programs.
Don't let AIDS become a political football!

Haven't we had enough of extremist politicians with no medical expertise, trying to sabotage the efforts of medical professionals working to stop AIDS? Let's insist that public health officials, not political grandstanders, determine the best ways to stop AIDS.

Let's see that our compassion governs the response to AIDS, not needless fear and discrimination.

On Tuesday, November 8, vote

NO on 102

FOR MORE INFORMATION:
Northern California Office:
Californians Against Proposition 102
10 United Nations Plaza,
Suite 410
San Francisco, CA 94102
415/621-4450

Southern California Office:
7899 Santa Monica Blvd.
109-343
West Hollywood, CA 90046
213/858-1005

LOCAL OFFICE:
YOUR NAME HAS BEEN REPORTED TO THE PUBLIC HEALTH OFFICER AS A POTENTIAL AIDS CARRIER...

You, your friends, neighbors or family members may receive such a notice if we allow Proposition 102 to pass in November.

Proposition 102 will destroy all the success we have achieved to control AIDS. It will:

- Require medical personnel to report the names of everyone who tests positive on AIDS tests, including people who have already tested positive!
- Require medical personnel to report the names of people they only believe may have been exposed to AIDS!
- Demand that public health officials use “every available means” to track down all people who may have been exposed to AIDS.
- Close all anonymous AIDS antibody testing sites.
- Allow insurance companies and employers to test everyone for AIDS—presumably in order to discriminate against them.
- Cost thousands of people their jobs, housing and medical insurance.

We think it is critical for you to know that—Proposition 102 threatens to destroy the work of the San Francisco AIDS Foundation to fight AIDS and provide care for people with HIV disease.

If it passes, Proposition 102 will:

- Cost $1.75 billion—draining money from our programs.
- Drive people away from education, treatment, testing, and research efforts because they could be turned in for doing so;
- Dry up our volunteer and donor base because our supporters may fear their affiliation with the Foundation could place them on a list of “suspects.”

WE CAN WIN THE FIGHT AGAINST PROP 102!

Polls show that although the majority of voters are prepared to vote YES on 102, with an aggressive and factual campaign, we can turn an uncertain situation into victory.

TURN THIS CARD OVER TO SEE HOW YOU CAN HELP STOP PROP 102

OCT. 1988
HERE'S WHAT YOU CAN DO TO HELP STOP PROP 102:

- Tell your friends about the dangers of Proposition 102.
- Make sure you and your friends vote on Election Day.
- Help raise money to defeat Proposition 102. Have a party in your home and ask your friends to contribute $10, $20, $100 each—whatever they can afford.
- Help out in the campaign. Call 621-4450 to volunteer.
- Fill out and return this coupon RIGHT AWAY!

Count me in!
I want to stop Prop 102, the Dannemeyer AIDS Reporting Initiative.

☐ Enclosed is a contribution of $________________.
   Check made payable to: Californians Against Prop 102

☐ I will volunteer in the campaign.
☐ I will host a party for friends to raise money for the campaign.

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OCCUPATION
EMPLOYER

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SEND THIS COUPON TO:
Californians Against Proposition 102
10 United Nations Plaza, Suite 410
San Francisco, CA 94102
SERIOUS TIMES
DEMAND
A SERIOUS RESPONSE

We must STOP Propositions 96 and 102

We Must ELECT Pat Norman to the Board of Supervisors & make Harry President of the Board

We must STOP Proposition O from passing (it would retroactively disqualify candidates from sitting on the Board of Supervisors more than two terms
(IT WOULD KICK HARRY OFF THE BOARD)

VOTE ONLY FOR PAT AND HARRY
(Any votes to their contenders, even those we might otherwise support, will be in this close race, a vote against them)

VOTE NO ON 96 & 102

& VOTE NO ON PROPOSITION O

Vote no on Bush/
Yes on Dukakis

For love and for life, we're not going back!
IF YOU THOUGHT LaROUCHE WAS SCARY, LOOK AT PROP 102!

PROPOSITION 102 ON THE NOVEMBER STATE BALLOT WOULD:

- Require the public reporting of everyone who tests positive for the AIDS virus and everyone "suspected" of it.
- Allow employers to force their employees to take AIDS tests.
- Allow insurance companies to use AIDS tests to determine insurability.
- Require persons who test positive to reveal the names of their sexual contacts.
- Repeal protections against discrimination for people with AIDS/ARC.
- Forbid confidential, anonymous AIDS testing—which allows people to get early detection and treatment.
- Cost hundreds of millions of dollars, overwhelming the state's budget for AIDS education, treatment and research.
- Boost the right-wing political agenda on AIDS nationwide.

Just because we defeated LaRouche twice doesn't mean we'll easily defeat Proposition 102. It is now ahead in the polls by 72% to 22%!

Get involved in the campaign against Proposition 102. Return this coupon or call 621-4450 today!

I'LL HELP DEFEAT PROPOSITION 102!

☐ Enclosed is a contribution of $ ___________________.
☐ I will volunteer in the campaign.

PRINT NAME ____________________________________________
ADDRESS ______________________________________________
CITY _____________________________ ZIP ________________
DAY PHONE __________________________ EVENING PHONE __________________

Send to: Californians Against Proposition 102, 10 United Nations Plaza #410, San Francisco, CA 94102 or call: 621-4450

SEP. 1988
NO on PROPOSITION 102
“Fight AIDS not People”

BEER BUST to STOP 102
A Benefit

SPECIAL GUESTS:
SHARON McKNIGHT
and
TOM NOLAND,
Candidate for State Senate

AUCTION ♦ BEER ♦ HORS D’ŒUVRES

Saturday, October 29–7 to 10 pm
at The SF EAGLE
$10 donation at the door
CRAB PALACE PRESENTS
DANCE PARTY
NO on 102 BENEFIT
SATURDAY SEP. 17
10:00 PM
WHERE: 200 CLARA ST.
SAN FRANCISCO
DJ: DIRK SLATER
DONATION: $5.00
FIGHT MANDATORY TESTING!

NO ON 96 & 102

THE MARCH & RALLY

TUESDAY OCT. 25

6PM ASSEMBLE
AT CASTRO & MARKET
MARCH TO CITY HALL

7PM RALLY AT CITY HALL

SPEAKERS
Supervisor Harry Britt
Supervisor Carol Ruth Silver
Pat Norman (Supervisorial Candidate)
Howard Wallave (United Farmworkers)
Steve Callahan (People with AIDS-SF)
Cleve Jones (Names Project)

ENTERTAINMENT
Tom Ammiano
comedian
Marga Gomez
comedienne
Linda Perry
singer

ORGANIZED BY THE NO ON 96/102 COALITION FOR MORE INFORMATION CALL 665-3544
VOTE NO ON PROPS 96/102

PROP. 96

Spreads false notions that AIDS can be transmitted casually.

Is opposed by responsible public health and law enforcement authorities as wasteful, unnecessary, and subject to abuse.

PROP. 102

Eliminates all anonymous testing sites, driving the AIDS epidemic underground.

Will cause HIV infected (but not casually contagious!) people to be deprived of insurance and employment.

PROPS. 96 & 102 ARE BASED ON FEAR AND IGNORANCE. THEY WILL COST MILLIONS OF TAXPAYER'S DOLLARS, AND DO NOTHING TO STOP THE SPREAD OF AIDS.

For more information call ACT-UP/SF at 563-0724
IT'S TIME TO GET INVOLVED.

NO ON PROP 102

IT'S WORSE THAN LAROUACHE

The campaign is opening its Santa Clara County office. We're having a campaign headquarters opening and this is your opportunity to get involved!

Date: Sunday, September 11th
Time: 2:00 to 5:00 pm
Place: Billy DeFrank Community Center
       1040 Park Ave., San Jose CA 95126
       (408) 298-8844
Donation: $500 Patron
          $100 Benefactor
          $50 Sponsor
          $20 Contributor

Tickets will be held at the door.

☐ Enclosed is $______ for tickets to the Sept. 11th opening.

☐ Sorry, I can't attend, but here is my donation of $______

☐ Yes, I'll get involved. Contact me regarding volunteer work.

Name ________________________________
Street ________________________________
City ___________________________ ZIP
Phone (_____) _______________________

State law requires us to ask the following information:
Occupation __________________________
Employer ____________________________

Make checks payable to BAYMEC—No on 102, and return to P.O. Box 90070, San Jose CA 95109.
Paid for by BAYMEC, the local No on 102 organization.
"I have been studying how I may compare
This prison where I live unto the world."

RICHARD II
Those unable to attend but wishing to be a part of the effort may send their contributions to:
BAYMEC - NO ON 102
P.O. Box 90070
San Jose, CA 95109

Please note: Those persons whose 1988 contributions to BAYMEC are in excess of $100.00 should include their occupation and employer with their check.

David Zink-Brody, Mark Koopman, & Rhio Hiersch
Cordially Invite You To A
Wild Party
To Raise Funds For The Fight Against
Proposition 102

Please Join Us
Sunday, 9 October 1988
From 6:00 PM Until 11:00
At 444 Matadero Avenue
Palo Alto, California

Beverages and snacks will be provided by the hosts.
We request everyone to make a contribution of from $10.00 to $1000.00 on a sliding scale toward the worthy cause of protecting our individual rights from the dangerous bigots who beset us once again.

PLEASE R.S.V.P.
No later than Friday October the 7th
Call (415) 858-2942 with the number in your party.
THEY WOULDN'T MAKE LISTS IF THEY DIDN'T PLAN TO USE THEM

JSE APPLICATION

HIV POSITIVE - NO WAY

For Office Use Only - Please do not write above this line.

Meals On Whe

Meals Roy & Su. Name: Jane Doe Age: 25 Address:

Meals On Whe

Meals Roy & Su. Name: Jane Doe Age: 25 Address:

EVICION NOTICE

VACATE BY FEBRUARY 6, 1989.

The undernamed, all appurtenances

GORE ROBT
atty 33 Soledad Dr

Dear Mr. Kellwood:

The XYZ Corporation no longer requires your services as of January 15, 1989.

If you would prefer to resign, we're sure something could be arranged.

WILLIAM: 4083 Soledad Ln, Pebble Beach
Mavis A.

Mr. Kellwood

Grant application AIDS research

Company: Food for AIDS patients

Category: AIDS research

Company: Food for AIDS patients
Will making lists of people who take the AIDS test help find a cure for AIDS? Of course not!

And yet that is exactly what the Dannemeyer Initiative - Proposition 102 - suggests.

Insurance Policy
CANCELLLED
Policyholder: AB91
Type: Basic Health
Name: Irma McMurtry
HIV Test Results: Positive
Dear Friends and Neighbors:

Think about your name on a list available to your insurance company and employer.

What if you had to take the AIDS test before you could be hired for a job? And what if you tested HIV positive, whether or not you had any of the symptoms of AIDS?

What if you then lost your medical insurance or your job or both?

Chances are, the wording of Proposition 102 - the Dannemeyer Initiative - could bring this about.

Remember the lunacy of Propositions 64 and 69? California voters defeated each of them by a landslide. But health officials say Proposition 102 is worse than anything drafted by Lyndon Larouche!

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**POLITICIANS TO CONTACT**

**ENCOURAGE THEM TO ALSO VOTE NO ON 102!**

Honorable George Deukmejian
Governor
State Capitol
Sacramento, CA 95814

Honorable Willie Brown
State Assembly Speaker
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0001

Congressman Tom Lantos
11th District
U.S. House of Representatives
520 El Camino Real
San Mateo, CA 94401

Mayor Craig Shannon
San Carlos City Hall
666 Elm Street
San Carlos, CA 94070

**SUBSTITUTE YOUR OWN LOCAL POLITICIANS.**

See listings at the front of the Pac Bell White Pages.

(Continued from left column)

The scariest part is this: the current polls show Californians may vote Proposition 102 into law without understanding its implications.

A proposition like this is the best way to keep people ignorant and dying.

No one will benefit. Taxes will rise, education will be at an all-time low, research will grind to a halt, people will be evicted and fired - everyone will be suspect.

Victimizing people who have antibodies for an incurable disease will not stop AIDS.

We can only find a cure for AIDS through continued research, education and confidentiality in testing.

**VOTE NO ON PROPOSITION 102!**
WHAT YOU CAN DO

WRITE to local and state politicians.

TALK to your friends, family, and co-workers about the disastrous implications of the Dannemeyer initiative.

REGISTER TO VOTE
if you aren’t already registered.

CALL Californians Against Proposition 102
at: 415/621-4450 or
BAYMEC at: 408/298-8844

GO to the polls on Election Day
Tuesday, November 8, 1988

AND

VOTE NO on Proposition 102!

brought to you by Ryan’s Resources
AIDS/DRV EXPOSURE CERTIFICATION

This card certifies that you have received a positive result for exposure to self-serving hysteria about AIDS. Mere exposure to the Dannemeyer Retrograde Virus (DRV) does not necessarily result in a full-blown case of Rational Policy Deficiency Syndrome (RPDS).

DRV positive individuals may take the following steps to avoid political-opportunistic infection and to assure protection of public health and human rights:

- Forthright, critical questioning
- Calm, compassionate thinking
- Frequent ingestion of accurate information
- Adopting healthy, conscientious voting patterns

These risk reduction practices will help to contain the spread of DRV and effectively halt the RPDS epidemic.

RPDS EDUCATION PROJECT
I’LL HELP DEFEAT PROPOSITION 102, THE DANNEMEYER AIDS INITIATIVE

☐ Enclosed is a contribution of $ __________________________
  (MAKE CHECKS PAYABLE TO: CALIFORNIANS AGAINST PROPOSITION 102)

☐ I will host a House Party

☐ I will volunteer in the campaign.

PRINT NAME

ADDRESS

CITY     ZIP

DAY PHONE     EVENING PHONE

OCCUPATION     EMPLOYER
  (REQUIRED ON CONTRIBUTIONS OF $100 OR MORE)

CALIFORNIANS AGAINST PROPOSITION 102

7985 SANTA MONICA BLVD, #109-343, WEST HOLLYWOOD, CA 90046

PAID FOR BY CALIFORNIANS AGAINST PROPOSITION 102. Don Disler, Treasurer, ID #881396

Contributions are not deductible as charitable contributions for federal income tax purposes.
Today
Gov. Deukmejian endorsed Proposition 102.

PROTEST MARCH ON THE STATE BUILDING.

TONIGHT !!!

7 PM
CASTRO & MARKET

Bring Whistles, Pots and Pans, and other noisemakers.

FIGHT FOR YOUR LIVES !!!

SPONSORED by Gay & Lesbian Emergency Action
The Battle Against AIDS

• What is AIDS (the Acquired Immune Deficiency Syndrome)?
• Who are the victims of AIDS?
• Why working people should oppose initiatives such as the Gann and LaRouche initiatives (102 and 96).
• How does the ultra-right use AIDS to divide working people?
• How can the battle against AIDS be won?

The Militant Labor Forum and El Foro Perspectiva Mundial present

Peter Thierjung
Peter Thierjung is the Chair of the Oakland Socialist Workers Party and its candidate for U.S. Congress from Oakland and Berkeley.

La Lucha Contra el SIDA

• ¿Qué es el SIDA (el Síndrome de Inmunodeficiencia Adquirida)?
• ¿Quiénes son las víctimas del SIDA?
• ¿Cómo los ultra-derechistas usan el SIDA para dividir a los trabajadores?
• ¿Cómo podremos ganar la lucha contra el SIDA?
• Por qué los trabajadores deben oponerse a las proposiciones de Gann y LaRouche (102 y 96).

Saturday / Sabado
November / Noviembre 12
7:30 pm

3284 23rd St. (near Mission)
San Francisco

at the Pathfinder Bookstore /
Librería Pathfinder
Telephone/Teléfono (415) 282-6255

En inglés con traducción al español
Join No on 96/102 Bay Area for a Candlelight March through San Francisco's Financial District to protest Propositions 96 & 102

Props 96 & 102 are 2 initiatives on November’s ballot which are guaranteed to make AIDS worse in California, and cost taxpayers close to 2 billion dollars.

Thursday, October 13, 5:00 p.m. Gather at the Montgomery Street Bart Station, Sansome & Market Sts. Bring placards & candles

Sponsored by NO on 96 & 102/Bay Area
240 Golden Gate Avenue San Francisco, CA 94102
665-3544
FIGHT PROP 102
(The Dannemeyer initiative)
DEMONSTRATE WITH US

WHERE: Entrance of TRANSAMERICA Tower - 600 Montgomery
WHEN: MONDAY October 3rd @ 12 noon to 1pm

Prop 102
Eliminates all anonymous testing sites, driving the epidemic underground
Will allow HIV testing for insurance and/or employment
Will require contact tracing and notification of sex partners at enormous taxpayer's expense

We beat the old LaRouche twice we must not let the new LaRouche (William Dannemeyer) beat us now!! We also oppose Prop. 96 as another attack on our civil rights.
If this initiative passes, any California Police Officer can call for the forced HIV testing of any citizen they come into contact with,

...even if this contact is casual.

VOTE NO 96/102!!!

This demonstration is being called for by ACTUP/SF
for more information call 826-4708
Friends:

Enclosed is the Pledge of Non-Compliance With Proposition 102 and related press materials. Would you make copies of the Pledge sheet (2 sides) and distribute to your staff, volunteers and anyone else you believe may be concerned about the personal consequences of Proposition 102 if it should pass? If you have any questions, please call either of us at the numbers printed on the press release.

Time is of the essence.

Sincerely,

Allan Berube and Yoel Kahn
for the "Forget-Me-Nots"
October 15, 1988

FOR IMMEDIATE RELEASE

CONTACT: Allan Berube, Forget-Me-Nots 415-626-3893 (not for publication)
Rabbi Yoel Kahn, Forget-Me-Nots 415-861-6932 (not for publication)

"WHOSE NAMES WILL YOU TURN IN?"

PLEDGE OF NON-COMPLIANCE WITH PROPOSITION 102

California residents this week began to sign a public pledge not to comply with the name-reporting provisions of Proposition 102, the "Dannemeyer/Gann AIDS Initiative," if it passes on November 8. The Pledge of Non-Compliance was written by the Forget-Me-Nots, a group of 10 San Francisco gay men committed to fighting AIDS, not people with AIDS, through nonviolent direct action and education.

People who make the pledge will not report any names to government officials and will not submit to involuntary testing of their blood. Many also promise to publicly support others who do not comply with the reporting and testing provisions of this initiative.

"Proposition 102 orders citizens to become accomplices to the crime of AIDS discrimination or else go to jail," said Allan Berube, a member of the Forget-Me-Nots. "This is 'Big Brother' at its worst. It forces us to decide either to turn in the names of people we care about--knowing they could lose their jobs, homes and health insurance--or to break the law. Many of us who cannot in good conscience expose people living with AIDS, ARC and HIV to even more hardship and discrimination will be considered criminals after Election Day if this law passes."

"Most voters don't yet realize that Proposition 102 will push thousands of doctors and other law-abiding citizens to civil disobedience," added Yoel Kahn, Rabbi of Congregation Sha'ar Zahav and a Forget-Me-Nots member. "That's why many of us are saying now that we will not turn in names and we will support others who refuse to comply with this dangerous and mean-spirited law."

Proposition 102 criminalizes confidentiality and makes HIV discrimination legal. It bans anonymous HIV antibody tests. It requires doctors and blood banks to report to public health officials the names of patients who test positive for HIV antibodies. Under its provisions, everyone who tests positive also must the report names of their spouses and partners. Failure to report could lead to sentences of one year in the county jail and $1000 in fines.

[over please]
Proposition 102 allows employers and insurance companies to make their employees and policyholders submit to mandatory blood tests and to deny jobs and health coverage to those who refuse to take the test or who test positive. Public health officials also must compile lists of names and addresses of everyone in their county who is HIV antibody positive and can make these lists public. The federal AIDS bill just passed by Congress would have guaranteed some confidentiality of test results even under Proposition 102, but on October 13 Senator Jesse Helms killed these protections in last-minute maneuvers.

Some California physicians and public health officials—including the president of the California Medical Association—already have made public statements that they will destroy medical records rather than report the names of their patients under Proposition 102. Principal AIDS researchers for the San Francisco City Clinic Study and the San Francisco Men's Health Study also have stated publicly that they will not violate the confidentiality of their participants if Proposition 102 becomes law. Californians who sign the Pledge of Non-Compliance join these professionals in stating publicly that they will refuse to become accomplices to the crime of AIDS discrimination.

The Pledge reads:

PLEDGE OF NON-COMPLIANCE

I cannot in good conscience support a law that allows some citizens to lose their privacy, their confidential relationship with their physicians, their jobs and their health insurance by requiring other citizens to report lists of names to government officials. If Proposition 102 passes on November 8, 1988, I pledge that:

[ ] I will not report myself to public health officials.
[ ] I will not report the names of any other people.
[ ] I will not submit to involuntary testing of my blood for the human immunodeficiency virus or antibodies.
[ ] I will participate in nonviolent direct action to protect myself and others—especially people living with AIDS, ARC and HIV—from being harmed by the enforcement of Proposition 102.

Copies of the Pledge of Non-Compliance can be obtained by writing to PLEDGE/FORGET-ME-NOTS, 2370 Market Street Box 59, San Francisco, CA, 94114.

The names of those who have made their Pledge of Non-Compliance public will be announced at a later date.

[NOTE: Your publication may quote any portion of the accompanying Pledge statement. But if you wish to print the Pledge in a form that readers may sign and send in, it is essential that you print the page entitled "Pledge of Non-Compliance" in its entirety so that anyone who signs it is fully informed of the possible personal consequences.]
Some San Francisco doctors are preparing to shred the records of their patients infected with the AIDS virus to protect their reputations.

That is the controversial initiative on the November ballot.

The measure, supported by Orange County conservative Representative William Dannemeyer, would require doctors to report patients they "reasonably believe" to be AIDS-infected in the state so that their sexual partners could be traced and warned.

"If Proposition 102 passes, I will tear the page out indicating the AIDS virus status of my patients and throw it away," said Dr. Lauren R. Fuller, San Francisco intern and president of the Alameda County member of the California Medical Association, which opposes the measure.

Another San Francisco physician said he would burn the records of his AIDS-infected patients.

"Mean-Spirited People" said the physician who asked not to be identified. "No matter what everyone is saying, there is no guarantee someone can be mean-spirited people won't use that information to assist them in securing a job or a number of areas," he said.

Supporters of Proposition 102 say that too many people worry about the civil rights of people infected with AIDS at the expense of those who are not infected.

"There is the protection for the majority," said Lorraine Daley, chief of orthopedic surgery at San Francisco General Hospital, who says the state needs to know who is infected and is able to effectively prevent spread of the disease.

She attributes resistance to the initiative to the strength of homophile sexual political organization in San Francisco.

"If this disease breaks out in the heterosexual community, it would be all under control," said Daley, adding that everyone is at more risk of getting AIDS because they often get close to others during operations.

"I ask the physicians who are making these statements how often do they get patients with completely normal blood work," she added.

The comments are indicative of the strong emotions first California doctors brought to the debate on Proposition 102.

As we move into 1983, only full-blown AIDS cases must be reported. The law bars disclosure of the names of those who are infected. But in earlier stages of infection, if there is no high-risk exposure, the disease is often undetectable.

The initiative would drastically expand the list of mandatory reports to include anyone "who may have become infected with AIDS," including suspected cases of asymptomatic infection.

Suppose of Proposition 102 says the current reporting system is ineffective because it misses people who are infected but have no symptoms, even though they can spread the disease.

Politically Protected?

"It's a politically protected disease," said Dannemeyer. R. Fuller, one of the key supporters of the initiative, said the measure needs to "weaken public health measures to deal with the disease partially.

He said the names of people infected with other communicable diseases, such as venereal disease, are already reported and there is no reason that people infected with AIDS should be treated differently.

Those who oppose Proposition 102 say it is an assault on doctors and patients with virtually no public health benefit.

One of the most critical aspects of the law would mandate health departments to notify all partners of those on the infected list. Under the new legislation, giving warning will prevent few cases of AIDS and place an unnecessary burden on doctors.

"It will divert money from arrest prevention programs that have worked," said George Rutherford, medical director of the AIDS office in the San Francisco Department of Public Health.

They also say it will make people afraid to bring the virus.

Bedroom Panic

Robert Molson, president of the Health Officers Association of California, said "it is true to drive us into a kind of a bedroom panic.

Larnore Cummins, chairman of the San Francisco County Board of Supervisors, said of Opposes Prop. 102

Confidentiality Guaranteed

The AIDS Task Force, which supports Proposition 102, said it believes he health care providers should be able to discuss the names of those who are infected.

The law doesn't imply the reported names will be published or released. It will be handled in a humane and confidentiality way," said Cummins, who has written a letter to Dr. Susan Golander to make it known to the AIDS Task Force.

Cummins said reports of patients by doctors that they will comply with the law of the prop.

"I think the leadership of the CMA tends to be more positive than the doctors practicing in the community," Cummins said.

But other physicians supported White, saying that their personal values supercede any law.

"As a physician, I have to say I would consider it the name of any patient that is reported a"
PLEDGE OF NON-COMPLIANCE

I cannot in good conscience support a law that allows some citizens to lose their privacy, their confidential relationship with their physicians, their jobs and their health insurance by requiring other citizens to report lists of names to government officials.

If Proposition 102 passes on November 8, 1988, I pledge that:

[ ] I will not report myself to public health officials.
[ ] I will not report the names of any other people.
[ ] I will not submit to involuntary testing of my blood for the human immunodeficiency virus or antibodies.
[ ] I will participate in nonviolent direct action to protect myself and others—especially people living with AIDS, ARC and HIV—from being harmed by the enforcement of Proposition 102.

Because the effect of Proposition 102 will be to drive people underground in fear, I agree to make my pledge of non-compliance public so that others who have decided not to comply will know that they are not alone.

__________________________
signature

__________________________
date

Signed pledges (name, city, and affiliation only) will be made public to demonstrate that many Californians, acting on conscience and aware of possible personal consequences, have decided to protect each other from being harmed by the enforcement of Proposition 102.

NAME____________________________

ADDRESS____________________________

CITY________________STATE____ZIP____PHONE________________

AFFILIATION_________________________[optional—for identification purposes only]

Please send signed pledges to:  FORGET-ME-NOTS/PLEDGE
2370 Market St Box 59
San Francisco, CA 94114

NOTE: If you don’t comply with the reporting provisions of Proposition 102, and if the courts decide that Proposition 102 is constitutional, you could be found guilty of a misdemeanor. Doctors could in addition be fined $250 for each patient they don’t report.

Signing this pledge could be used as evidence against you in court, could lead public health officials and the district attorney to infer that you are HIV positive or that you are hiding patients or sexual partners, and could cause your employer or insurance company to test you for HIV. However, under the provisions of Proposition 102, your employer and health insurance company can test you and all other employees and policyholders for HIV antibodies whether you do or do not sign this pledge.

If you refuse to take the HIV antibody blood test, your employer or insurance company could infer that you would test positive and you could lose your job or be disqualified for health insurance.

This pledge was written by the Forget-Me-Nota, an affinity group of gay men committed to fighting AIDS, not people with AIDS, through nonviolent direct action and civil disobedience. You may reproduce this pledge for distribution to family members, friends, coworkers, health providers, clergy, the press and anyone else who may be concerned about the consequences of Proposition 102.

[labor donated]
WHOSE NAMES WILL YOU TURN IN?

If on November 8 California voters approve Proposition 102 (the "Dannemeyer/Gann 'AIDS Initiative"):

* You must report your spouse and your sexual partners to public health authorities if you have AIDS, ARC or your blood has tested positive for HIV antibodies; your failure to report their names is a crime.

* You won't be able to get an anonymous HIV antibody ("AIDS") blood test anywhere in California. Anyone who gives the test—including your doctor, clinic and blood bank—must report you if your blood test is positive; their failure to report your name within 48 hours is a crime.

* Your doctors and health clinics also must report your name if they believe, even without test results, that you are at risk for AIDS.

* If you discuss AIDS, homosexuality or IV drug use with your doctor, you will risk having your name reported to public health officials.

* Your name can be reported by someone else—even as a prank—and you could be notified and required to report your spouse and partners.

* Your employer and insurance company can force you to take the blood test and legally could fire you, isolate you on the job or cancel your health insurance if you test positive or refuse to take the test: They do not have to keep your test results confidential.

* Public health officials can make your test results public and must use "every available means" to identify your sexual partners.

PROPOSITION 102 WILL:

* SPREAD FEAR AND SUSPICION
* ENCOURAGE DISCRIMINATION
* COST HUNDREDS OF MILLIONS OF DOLLARS TO ENFORCE
* TAKE MONEY AWAY FROM AIDS TREATMENT AND CARE
* DRIVE PEOPLE UNDERGROUND WHO NEED MEDICAL ATTENTION AND EDUCATION
* THROW PEOPLE WITH JOBS AND PRIVATE INSURANCE ONTO WELFARE AND MEDI-CAL

Don't Let This Happen!

VOTE NO ON PROPOSITION 102 AT THE BALLOT BOX!

BUT IF IT PASSES—DECIDE WHAT YOU WILL DO!

Many people have decided not to let Proposition 102 force them to expose their partners, their friends, their patients, their clients and their communities to even more hardships and discrimination.

As an act of conscience, they have made the following pledge to themselves and the people they care about:

[over, please]
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signature  date

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ADDRESS______________________________

CITY__________________STATE____ZIP____ PHONE__________________

AFFILIATION__________________________ [optional—for identification purposes only]

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[labor donated]
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* Public health officials can make your test results public and must use "every available means" to identify your sexual partners.

PROPOSITION 102 WILL:

* SPREAD FEAR AND SUSPICION
* ENCOURAGE DISCRIMINATION
* COST HUNDREDS OF MILLIONS OF DOLLARS TO ENFORCE
* TAKE MONEY AWAY FROM AIDS TREATMENT AND CARE
* DRIVE PEOPLE UNDERGROUND WHO NEED MEDICAL ATTENTION AND EDUCATION
* THROW PEOPLE WITH JOBS AND PRIVATE INSURANCE ONTO WELFARE AND MEDI-CAL

Don't Let This Happen!

VOTE NO ON PROPOSITION 102 AT THE BALLOT BOX!

BUT IF IT PASSES—DECIDE WHAT YOU WILL DO!

Many people have decided not to let Proposition 102 force them to expose their partners, their friends, their patients, their clients and their communities to even more hardships and discrimination.

As an act of conscience, they have made the following pledge to themselves and the people they care about:

[over, please]
WHOSE NAMES WILL YOU TURN IN?

If on November 8 California voters approve Proposition 102 (the “Dannemeyer/Gann AIDS Initiative”):

- You must report your spouse and your sexual partners to public health authorities if you have AIDS, ARC or your blood has tested positive for HIV antibodies; your failure to report their names is a crime.
- You won’t be able to get an anonymous HIV antibody (“AIDS”) blood test anywhere in California. Anyone who gives the test—including your doctor, clinic and blood bank—must report you if your blood test is positive; their failure to report your name within 48 hours is a crime.
- Your doctors and health clinics also must report your name if they believe, even without test results, that you are at risk for AIDS.
- If you discuss AIDS, homosexuality or IV drug use with your doctor, you will risk having your name reported to public health officials.
- Your name can be reported by someone else—even as a prank—and you could be notified and required to report your spouse and partners.
- Your employer and insurance company can force you to take the blood test and legally could fire you, isolate you on the job or cancel your health insurance if you test positive or refuse to take the test. They do not have to keep your test results confidential.
- Public health officials can make your test results public and must use “every available means” to identify your sexual partners.

PROPOSITION 102 will:

- Spread fear and suspicion.
- Encourage discrimination.
- Cost hundreds of millions of dollars to enforce.
- Take money away from AIDS treatment and care.
- Drive people underground who need medical attention and education.
- Throw people with jobs and private insurance onto welfare and Medi-cal.

DON’T LET THIS HAPPEN!

VOTE NO ON PROPOSITION 102 AT THE BALLOT BOX!

BUT IF IT PASSES – DECIDE WHAT YOU WILL DO!

Many people have decided not to let Proposition 102 force them to expose their partners, their friends, their patients, their clients and their communities to even more hardships and discrimination.

As an act of conscience, they have made the following pledge to themselves and the people they care about:

(over, please).
PLEDGE OF NON-COMPLIANCE

I cannot in good conscience support a law that allows some citizens to lose their privacy, their confidential relationship with their physicians, their jobs and their health insurance by requiring other citizens to report lists of names to government officials.

If Proposition 102 passes on November 8, I pledge that:

[ ] I will not report myself to public health officials.
[ ] I will not report the names of any other people.
[ ] I will not submit to involuntary testing of my blood for the human immunodeficiency virus or antibodies.
[ ] I will participate in nonviolent direct action to protect myself and others — especially people living with AIDS, ARC or HIV — from being harmed by the enforcement of Proposition 102.

Because the effect of Proposition 102 will be to drive people underground in fear, I agree to make my pledge of non-compliance public so that others who have decided not to comply will know that they are not alone.

__________________________________________  ______________________
signature                                           date

Signed pledges (name, city, and affiliation only) will be made public to demonstrate that many Californians, acting on conscience and aware of possible personal consequences, have decided to protect each other from being harmed by the enforcement of Proposition 102.

NAME ____________________

ADDRESS ____________________

CITY__________       STATE _____       ZIP _______       PHONE _______

AFFILIATION_____________________________ (optional—for identification purposes only)

OR OCCUPATION

Please send signed pledges to: FORGET-ME-NOTS/PLEDGE
2370 Market Street, Box 59
San Francisco, CA 94114

NOTE: If you do not comply with the reporting provisions of Proposition 102, and if the courts decide that Proposition 102 is constitutional, you could be found guilty of a misdemeanor. Doctors could in addition be fined $250 for each patient they don't report.

Signing this pledge could be used as evidence against you in court, could lead public health officials and the district attorney to infer that you are HIV positive or that you are hiding patients or sexual partners, and could cause your employer or insurance company to test you for HIV. However, under the provisions of Proposition 102, your employer and health insurance company can test you and all other employees and policyholders for HIV antibodies whether you do or do not sign this pledge.

If you refuse to take the HIV antibody blood test, your employer or insurance company could infer that you would test positive and you could lose your job or be disqualified for health insurance.

This pledge was written by the Forget-Me-Not's, an affinity group of gay men committed to fighting AIDS, not people with AIDS, through nonviolent direct action and civil disobedience. You may reproduce this pledge for distribution to family members, friends, coworkers, health providers, clergy, the press and anyone else who may be concerned about the consequences of Proposition 102.

[labor donated]
LOCAL OPPOSITION TO PROPOSITION 102

County of Santa Clara
City of San Jose
Congressman Don Edwards
Congressman Norm Mineta

State Assemblymember Byron Sher
State Senator Dan McCorquodale
State Assemblymember Delaine Eastin
State Assemblymember John Vasconcellos
State Assemblymember Rusty Arieias

Sunnyvale Mayor Larry Stone
Santa Clara Mayor Eddie Souza
Palo Alto Vice-Mayor Larry Klein
Milpitas Vice-Mayor Pete McHugh
Mountain View Vice-Mayor Norm Shaskey
Palo Alto Councilmember Gail Woolley
Palo Alto Councilmember Ellen Fletcher
Los Gatos Councilmember Thomas J. Ferrito
Palo Alto Councilmember Betsy Bechtel
Los Gatos Councilmember Brent Ventura
Santa Clara Councilmember Sue Lasher
Santa Clara Councilmember Vern Deto
Milpitas Mayor Robert Livengood
Santa Clara Councilmember Judy Nadler
Former Sunnyvale Mayor Ron Gonzales

Donald Kennedy, President, Stanford University
John Sculley, CEO, Apple

AIDS Task Force of Santa Clara County
ARIS Project of Santa Clara County
Pastor Randy Hall
Necessities and More
Entre Nous/FLGS
Health Services Office of Foothill College
Ed Hilton, Director, AIDS Project of San Mateo County
Wallace Sampson, M.D.
October 10, 1988

PRESS ADVISORY

Contact:  Paul Wysocki  
408/277-9211

        Judy De Atley  
408/559-6717

CONGRESSMAN BARNEY FRANK (D-MASS) TO DISCUSS  
OPPOSITION TO PROPOSITION 102 AND CONGRESSMAN  
DANNELEYER

Congressman Barney Frank will hold a press conference  
Saturday, October 15, 1988, 2:00 p.m. at the San Jose Hyatt Hotel  
located at 1740 North First Street, San Jose. Congressman  
Frank will be joined by other elected officials, community leaders  
and members of the medical community.

Congressman Frank will be in the area to attend  
Congressman Norman Mineta's Annual Dinner, scheduled for that  
evening. Congressman Frank and others will address their  
opposition to Proposition 102 - considered the most dangerous  
piece of AIDS legislation we've had to face.

BAYMEC, the local organization designated to run the  
No on 102 campaign in San Mateo and Santa Clara counties will  
host the press conference. Attached: list of local support,  
a copy of the San Jose Mercury News Editorial in Opposition and  
a No on 102 brochure.

##################### 30 #####################
CAMPAIGN UPDATE

By Ken Yeager

The Bad News: The latest California Poll shows Prop. 102 winning with 58 percent of the vote, with 31 percent against and 11 percent undecided. While support is down from an August poll, we still would lose if the election were held today. However, we hope that through hard work and long hours we can turn the tide around and be victorious.

Comparisons to 64: One reason why the poll results are alarming is that a majority of people have made up their minds. With Prop. 64 two years ago, the battle was for the undecided voters. In an October 1986 poll, a whopping 46 percent of the voters were undecided, with 26 percent against and 10 percent in favor. In contrast, with Prop. 102 we have the difficult task of persuading voters to change their minds.

On The Bright Side: The statewide No on 102 campaign has conducted its own poll and shows results similar to the latest California Poll. However, the hard-core support is not over 42 percent. A small but critical percentage of the voters may be persuadable. Unfortunately, we now know that the proponents of 102 have bought media time. It should be remembered that the LaRoucheites spend almost no money getting their message out on the airwaves. BAYMEC hopes to contribute $20,000 to the statewide campaign, mainly to buy radio time in Southern California where support for the proposition is highest. So far, we have been able to donate close to $10,000.

No Time For Complacency: None of us can afford to be complacent or indifferent towards this campaign. We're in serious trouble, and unless we get the word out this proposition may pass. Yes, the possibility exists that public opinion will suddenly shift and this proposition will be narrowly defeated. The people at BAYMEC have no crystal ball, but we do have a responsibility to aggressively fight all hate initiatives aimed at our community. People are tired and low on funds, but we can't stop now. We must remember that Prop. 64 lost because of the incredible amount of energy and resources that we all devoted to the campaign.

What You Can Do: Here is a checklist of activities for you to do:

• Write out a check to BAYMEC-No on 102.
• Give a house party. They're fun, easy, and a great way to raise funds for the campaign.
• Call the headquarters at (408) 298-8844 to volunteer. We need people to call the BAYMEC membership list, registered voters, stuff envelopes, answer the phones, etc.
• Talk to your friends, family, and co-workers. Explain to them what Prop. 102 is. Tell them why you are opposed to it.
• Call Governor Deukmejian. He is still on the fence, and calls are urgently needed to his office requesting that he oppose 102. His Sacramento number is (916) 445-2841.
• Put your bumper sticker on your car.
• Wear your No on 102 button. If you don’t have a button, call the campaign and we’ll send you one.

The Local Campaign: As with Prop. 64, BAYMEC is working at the local and state levels. We have opened a campaign headquarters at the Billy DeFrank Center and hired Steve Rudnick as the office manager. Judy DeAtley is the special events coordinator. The headquarters is open from 5:30 p.m. to 8:30 p.m. Monday through Thursday, and from 11:00 a.m. to 2 p.m. on Saturday. The hours will be extended as we get closer to the November 8 election.

Billboards: BAYMEC is putting up No on 102 billboards around San Jose as part of its local campaign. The BAYMEC-No on 102 committee feels this is the most advertising mechanism available to us. We hope to get enough votes against the proposition in Santa Clara County to offset favorable votes elsewhere. The billboards will go up the first week of October.

San Mateo County: Volunteers are needed from San Mateo County to work either out of the San Jose headquarters or their homes for phone calling. If there is enough support, we will try to set up phone banks at businesses and union halls. We also need to have more house parties in San Mateo County.

Political Support: BAYMEC has collected an impressive list of supervisors, mayors, councilmembers, and state and federal representatives who oppose Prop. 102. This includes the San Mateo and Santa Clara Board of Supervisors and the San Jose City Council. However, some notable people haven’t opposed it yet, including Assemblyman Chuck Quackenbush, Assemblyman Bill Duplissa, and State Senator Becky Morgan. If you live in any of their districts, please call them.

Bumper Stickers: Enclosed in this mailing is a new bumper sticker. Many of you might remember receiving a bumper sticker in a previous mailing. BAYMEC was very upset about the poor quality of the printing, and the printer agreed to print a new set at no cost.

A Reminder About 102: Lest we forget why we are spending our time, energy and money, remember how really damaging Prop. 102 would be if it passes. Only a fool would get tested. No one would volunteer for research projects. Only those who are really ill would see a doctor. People would be denied health insurance. People would be denied jobs. People would be forced to lie to the authorities to protect their friends. The level of fear and bigotry over AIDS would soar. More of our friends would die. Prop. 102 is much, much worse than the LaRouche initiatives. For those of you who are holding off volunteering or donating money because you think Prop. 102 will lose, please follow the polls in the paper. Keep the BAYMEC-No on 102 remittance envelope handy and mail it in when you become as convinced as we are that if nothing is done Prop. 102 will pass.

A Last Reminder: Make sure you’re registered to vote. The deadline to register is October 10. And be sure to vote on November 8.

Special thanks to Wiggsy Sivertsen, Paul Wysocki, Bennet Marks, Kim Harris, and Don Sloan for their work on the campaign.

Late-breaking News: Gay Congressman Barney Frank (D-Mass) will be the special guest at a No on 102 fundraiser to be held from 2:00 - 4:00 p.m. at the Los Gatos home of Wiggsy Sivertsen. A $50.00 donation is requested. Please call (408)298-8844 for reservations or return the enclosed envelope stating that you wish to attend. The campaign will provide you with directions.
PRESS RELEASE

Contact: Paul Wysocki
408/277-9211

BAYMEC KICKS-OFF THE NO ON 102 CAMPAIGN
CAMPAIGN TO OPEN SANTA CLARA COUNTY OFFICE

BAYMEC, the local organization designated to run the No on 102 campaign in San Mateo and Santa Clara counties will kick-off the campaign and opening of a Santa Clara County office with a fundraiser Sunday, September 11, 1988 from 2:00 p.m. to 5:00 p.m., at the campaign headquarters, located at the Billy DeFrank Center at 1040 Park Avenue, San Jose.

The veterans of our highly praised Proposition 64 campaign as well as many new people are spearheading the regional campaign. All funds raised by BAYMEC will be spent on both regional and statewide efforts to defeat Proposition 102.

Proposition 102 is the most dangerous piece of AIDS legislation we've had to face -- worse even than the LaRouche Initiative. Most medical authorities and other experts, including the President's AIDS Commission, say that Proposition 102 is exactly the wrong way to fight AIDS. Eliminating confidentiality and anonymous testing would result in the avoidance of both testing and doctors for fear of loss of employment, insurance and privacy. The reporting of test results to government officials, employers and insurance companies and the ability of employers and insurance companies to require individuals to take the HIV test will force the disease underground, beyond the reach of medical treatment and education. The disease will spread even faster. Proposition 102 is not the answer.

##################################################################
August 24, 1988

Dear Friend of BAYMEC,

It’s time to get serious about Proposition 102, the Dannemeyer AIDS Initiative. This is the most dangerous piece of AIDS legislation we’ve had to face—worse even than Prop. 64, the LaRouche Initiative.

Proposition 102 would eliminate all confidential and anonymous testing in California. All test results—past and present—would be reported to government officials, employers, insurance companies, and others. Employers and insurance companies could require people to take the HIV test. Proposition 102 would also reverse California law and permit discrimination against people who test positive for the antibody or who have AIDS or ARC.

Most medical authorities and other experts, including the President’s AIDS Commission, say that this is exactly the wrong way to fight AIDS. Without confidentiality and anti-discrimination laws, many people concerned about AIDS will avoid both testing as well as doctors, for fear of losing their jobs, insurance, and privacy. The disease will go underground, beyond the reach of medical treatment and education, and will spread even faster.

Dannemeyer and his followers don’t care about that, any more than they care that they will be destroying the lives of people who already have this tragic illness. But it won’t be easy to stop them. The insurance companies are bankrolling the television and radio commercials, and the latest California Poll (August 15) shows the measure winning with 72 percent of the vote. In addition, we don’t have LaRouche’s lunatic reputation working in our favor. Besides Congressman Dannemeyer, Prop. 102 is supported by State Senator Doolittle and tax-crusader Paul Gann.
FIGHT MANDATORY TESTING!

NO ON 96 AND 102

THE MARCH AND RALLY

TUESDAY OCTOBER 25

6PM ASSEMBLE AT CASTRO AND MARKET
MARCH TO CITY HALL
7PM RALLY AT CITY HALL

SPEAKERS
Supervisor Harry Britt
Dr. Lenora Fulani
(Independent Presidential Candidate)
Supervisor Carol Ruth Silver
Pat Norman
(Supervisorial Candidate)
Howard Wallace
(United Farmworkers)
Cleve Jones
(Names Project)

ENTERTAINMENT
Tom Ammiano
comedian
Marga Gomez
comedienne
Linda Perry
singer

ORGANIZED BY THE NO ON 96/102 COALITION
FOR MORE INFORMATION CALL 665-3544
LaRouche was criminal, 96 and 102 are deadly!

Prop 96 means any time you're stopped by the police you can be force-tested for HIV (AIDS).
Vote NO on 96!

Prop 102 means forced testing for jobs and insurance!

Prop 102 means government reporting of anyone suspected of being HIV positive!
Vote NO on 102!

These measures would cost us close to 2 billion dollars!!
(California Medical Association estimate)

On November 8th

Vote NO on 96 & 102!

The California Medical Association, California Nurses Association, S.F. Sheriff Michael Hennessey, Mayors Tom Bradley and Art Agnos all urge you to Vote NO on 96 and 102.

Join No on 96 & 102/Bay Area P.O. Box 146693
San Francisco, CA 94114-6693; Call 666-3544.
March & Rally

Speakers
Harry Britt - Supervisor
Carol Ruth Silver - Supervisor
Pat Norman - Candidate for Supervisor
Priscilla Alexander - Coyote
Harry Wallace - UFW
Cleve Jones - Names Project

25 October 26, 1988 - 6 P.M.
CASTRO & Market St.

To City Hall

Entertainment
Marga Gomez
Tom Ammiano
Linda Perry

Join No on 96 & 102/Bay Area
San Francisco, CA

Call 885-1908

No on Prop. 96 & 102
Background

Communicable Diseases. State law gives health officials the authority to take certain actions to prevent the spread of communicable diseases such as diphtheria, typhoid, tuberculosis, and various venereal diseases, among others. For example, health authorities may isolate certain individuals infected with a communicable disease, if they feel it is necessary in order to protect the health of others, or they may quarantine individuals who have been exposed to an infectious disease. However, the law currently makes no provision for individuals to be tested for any disease against their will. Further, a person’s health status is generally held confidential by health authorities. For example, health authorities who treat a person for venereal disease may contact others who have been sexually involved with that person and advise them to see a physician for examination, but officials will not disclose the identity of the person with the venereal disease.

AIDS. Acquired immune deficiency syndrome (AIDS) is a disease that impairs the body’s normal ability to resist serious diseases and infections. The disease is caused by a virus—the human immunodeficiency virus (HIV)—that is spread through intimate sexual contact or exposure to the blood of an infected person. At the time this analysis was prepared (June 1988), there was no readily available method to detect whether a person actually has HIV, but a test does exist to detect whether a person has developed antibodies to the virus. The presence of the HIV antibody indicates that the person has been infected with the virus. However, a person may have been infected with the HIV and still have negative test results for HIV antibodies, because it usually takes about six weeks, but can take up to six months or longer, for the antibodies to develop in response to the infection. A person infected with the HIV may or may not develop AIDS after a period of years. There is no known cure for AIDS, which is ultimately fatal.

Although health officials have the authority to take the same actions to prevent the spread of AIDS as for other communicable diseases, specific laws govern HIV testing and confidentiality. They specifically prohibit involuntary HIV testing, and require that results of voluntary tests be kept confidential. A person may not be tested for antibodies to the HIV without his or her written consent, unless the testing is part of a scientific investigation in which blood samples are obtained anonymously. With few exceptions, no one may disclose the results of an HIV antibody test except for physicians who have been authorized in writing by the person tested. Anyone who makes an unauthorized disclosure may be subject to civil or criminal penalties. In addition, no one can be compelled to identify an individual who has been tested for HIV antibodies in any criminal or other governmental proceeding.

These provisions also apply to inmates housed in state prisons, county jails, and juvenile detention facilities who may be infected with the HIV or any communicable disease.

Proposal

This measure allows courts to require that certain individuals be tested for HIV infection and other communicable diseases without their consent, and permits limited disclosure of the test results, in two situations:

1. Victims of certain sex crimes may obtain a court order requiring the person charged with the crime to be tested for the HIV antibodies and other communicable diseases, if the court determines that there is reason to believe that bodily fluids may have been exchanged during the alleged crime.

2. Peace officers (including city police officers, deputy sheriffs, members of the California Highway Patrol, correctional officers, and certain other types of law enforcement officers), firefighters, or emergency medical workers who have been bitten, scratched, spit upon, or otherwise involved in a potential exchange of blood or other bodily fluids by someone interfering with their duties may obtain a court order requiring the individual to be tested for HIV antibodies and other communicable diseases, if the individual has been charged in a criminal complaint, and if the court determines that there is reason to believe that a transfer of bodily fluids may have occurred.

Under the measure, the court determines which communicable disease tests, in addition to the HIV antibody
test, should be administered.

Copies of the test results are to be given to the person requesting the court order, to the person tested, and, if the person tested is in prison, in jail, or in a juvenile detention facility, to the officer in charge of his or her detention or incarceration.

The measure also provides that if medical personnel in prisons, jails, and juvenile detention facilities learn that an inmate of the facility has been exposed to the HIV or other communicable diseases, they must inform the officer in charge of the facility. The officer in charge must then inform all staff and volunteers who may come in contact with that inmate that the inmate has been exposed.

Anyone who deliberately discloses the identity and health status of the person who was tested for HIV antibodies or other communicable diseases, beyond the disclosures required by this measure, is guilty of a misdemeanor, punishable by imprisonment in county jail for up to six months, or by a fine of up to $1,000, or by both imprisonment and a fine.

Fiscal Effect

The measure would result in (1) costs to local governments for court proceedings to determine whether a person should be tested for HIV infection, or for other communicable diseases, and (2) laboratory and administrative costs to local governments and the state to conduct the blood tests, and to notify the person requesting the test and the person tested of the results.

The total cost of the initiative would depend on the number of peace officers, firefighters, emergency medical personnel, and victims of sex crimes who request court-ordered testing, the length of the courtroom hearings, and the number and type of laboratory tests ordered by the courts. Based on available data on the number of sex crimes committed each year, the number of assaults against peace officers, firefighters and emergency medical personnel, the costs of courtroom hearings, and laboratory costs for blood tests, it is estimated that the combined state and local costs of this measure could range up to $1 million annually.
Argument in Favor of Proposition 96

Proposition 96 is a victim's rights measure and a public health measure.
Proposition 96 is clearly constitutional and nondiscriminatory, providing for reasonable procedures of confidentiality.
Proposition 96 has been developed to correct a grave injustice that existing law permits to be perpetrated against women and children who are victims of sexual assaults; public safety officers (police, fire, emergency medical) who are victims of physical assaults; and employees and inmates of prisons, jails, and juvenile facilities who may be exposed to possibly fatal disease(s).
Proposition 96 will permit a judge to order a person charged with assault to be tested for sexually transmittable diseases. At the request of the victim(s) of sexual assault, the results of that test will be made known to them. If the victim is a child, the parent or guardian will receive the results.
Proposition 96 will permit a judge to order a person charged with assault upon a public safety officer (police, fire, emergency medical) to be tested for communicable disease(s), if during the assault the officer was exposed to blood or other bodily fluids. The results of the test will be made known to the victim officer, or, if he or she is incapacitated, to the employing agency.
Proposition 96 will permit the medical staff in prisons, jails, and juvenile facilities to notify the person responsible for the care and safety of persons in that facility, whenever it is determined that an inmate is infected with AIDS or the HIV virus. This will make such notification consistent with the procedures now in place for other communicable diseases. This will allow for appropriate precautions in the housing and transportation of such inmates so as to reduce the risk to both employees and other inmates.
Those who are the victims of violent crime have a right to know if they have been exposed to possibly fatal disease(s). Even if such knowledge may not alter the course of the disease in their own body, it can protect family members or others whom an unwary victim might otherwise expose to the disease.
Our California Legislature has failed to correct this grave injustice. We, the people, must do so with our votes.
Vote yes on Proposition 96. Let the victims of sexual assaults know that we don't want them to be further traumatized by the system.
Vote yes on Proposition 96. Let our public safety officers know that we support them as they go about their hazardous duties of providing for our safety.
Vote yes on Proposition 96. Vote for the protection of victim's rights and public health—perhaps your own or that of your loved ones.

SHERMAN BLOCK
Sheriff, Los Angeles County
MONROE RICHMAN, M.D.
Commissioner, Los Angeles County Commission on AIDS
ED DAVIS
State Senator, 19th District

Rebuttal to Argument in Favor of Proposition 96

Proposition 96 is neither a victim's rights measure nor a public health measure. It is a wasteful, unnecessary measure which responsible public health and law enforcement authorities oppose.
The victims of violent crimes and public safety officers do have a right to know if they have been exposed to a possibly fatal disease. Instead of doing that, Proposition 96 would scare them into thinking they have been exposed when they could not possibly have been exposed. The AIDS virus is transmitted through sexual contact and intravenous needle sharing, not casual contact between citizens and public safety officers.
Violent crime victims and public safety officers who could have been exposed have a right to know if the virus was transmitted. Proposition 96 doesn't do that. Instead, under the guise of protecting women and children, Proposition 96 would waste millions on useless tests for people accused of crimes.
The Legislature is working now on laws that apply where there truly is a risk of exposure. Those laws, and laws which give crime victims and public safety officers the testing and counseling they need, are what we should have instead of the misguided waste that Proposition 96 calls for.
Proposition 96 is a mistake.
Vote no on Proposition 96.

MICHAEL HENNESSEY
Sheriff, City and County of San Francisco
ROBERT J. MELTON, M.D., M.P.H.
President, Health Officers' Association of California
MARCUS A. CONANT, M.D.
Chairman, California Department of Health Services, Task Force on AIDS, 1983-1988
Communicable Disease Tests. Initiative Statute

Argument Against Proposition 96

Proposition 96 is another unnecessary, heavy-handed approach to the AIDS epidemic.

AIDS presents special challenges in the field of law enforcement. The State Legislature has been working with law enforcement and health officials to devise responsible legislation on these issues. Proposition 96 would be counterproductive to these promising efforts.

Don't be fooled. This initiative wouldn't help crime victims or law enforcement officials. Instead, it would spread ignorance about AIDS and would waste millions of critical tax dollars on useless tests.

Proposition 96 would foster the irrational fear that AIDS can be transmitted through certain crimes or through the normal course of law enforcement. California citizens should be giving crime victims, police officers, firefighters and emergency personnel all of the support we can, not instilling fears that they're being exposed to AIDS.

Under Proposition 96, any citizen accused of interfering with a fire, police or emergency medical worker can be tested for the AIDS virus against their will.

Those tests won't help anyone. Medical experts agree that AIDS is spread through sexual contact or intravenous needle-sharing, not through casual contact such as between citizens and medical, fire and police workers.

Public safety workers have the right to expect that if they have been exposed to the AIDS virus, testing and counseling will be provided to them. But Proposition 96 won't do that.

Like law enforcement workers, crime victims deserve to have testing and counseling made available to them if they are concerned about being exposed. But Proposition 96 won't do that, either.

Proposition 96 says that persons accused of sex-related crimes can be tested without consent. Since the AIDS virus can't be transmitted in many sex crimes, many victims will be needlessly alarmed.

Proposition 96 says that if any medical person working in a jail believes someone has the AIDS virus, the worker must tell the person in charge, who must tell all employees who might have contact with the infected person. This is foolish because casual contact can't possibly transmit the virus. Once the information goes to so many people, medical confidentiality can't be maintained. Inmates or others may mistreat people with the virus. Worse still, workers who could be exposed, like medical workers working with needles, might be less careful with people who have not been named as carrying the virus.

The men and women who risk their lives protecting the public safety—and citizens who have been the victims of crime—should not be frightened into thinking that they have been infected by AIDS when they haven't been.

Vote NO on this ill-advised initiative.

Vote NO on Proposition 96.

MICHAEI HENNESSEY
Sheriff, City and County of San Francisco
ROBERT J. MELTON, M.D., M.P.H.
President, Health Officers' Association of California
MARCUS A. CONANT, M.D.
Chairman, California Department of Health Services,

Rebuttal to Argument Against Proposition 96

Proposition 96 clearly articulates well-defined procedures designed to offer victims of sexual assaults, public safety officers, and employees and inmates in our adult and juvenile correctional facilities a measure of protection against many potentially fatal diseases.

In those cases wherein such persons may have already been exposed, it will enable them to act in a manner that would minimize exposing their loved ones or others with whom they might come in contact.

Rather than foster an irrational fear of AIDS as the opponents postulate, Proposition 96 will offer to a sexual assault victim or public safety officer the peace of mind of knowing whether or not they have been exposed to any communicable or sexually transmittable disease. Virtually all such diseases are treatable, and they are all covered by Proposition 96.

As is typical in such cases, the opponents misstate the factual content of Proposition 96. It does not mandate AIDS tests for any citizen accused of interfering with police, fire, or emergency medical workers. It provides for court-ordered testing of persons who are criminally charged.

In no case does Proposition 96 concern itself with casual contacts between persons. There must be exposure to blood, semen, or other bodily fluids as a result of a criminal act.

Vote yes on Proposition 96. Let the women and children who are victims of sexual assaults know that we support them.

Vote yes on Proposition 96. Let our public safety officers know that you care about their well-being.

SHERMAN BLOCK
Sheriff, Los Angeles County
MONROE RICHMAN, M.D.
Commissioner, Los Angeles County Commission on AIDS
ED DAVIS
State Senator, 19th District

G88 Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency
SUMMARY OF BLOCK / DAVIS INITIATIVE

This initiative, PROPOSITION 96 will appear on the November 1988 ballot.

1. Permits the court to order testing for AIDS of an alleged sex offender if the alleged victim makes a written request. Directs the court to promptly conduct a hearing. If the court finds that probable cause exists to believe that a possible transfer of blood, saliva, semen, or other bodily fluid occurred in the course of the crime, the court will order testing for AIDS. Copies of the test results will be given to the defendant, each requesting victim, and if the defendant is in custody, to the officer in charge and the chief medical officer of the facility.

2. Permits the court to order testing for AIDS of any person charged with a crime who bites, spits, scratches or transfers blood or bodily fluids to a peace officer, firefighter, or emergency medical personnel. The public safety officer or employing agency may petition the court for an order to test. Directs the court to conduct a hearing as outlined in #1 above, with test results going to all parties noted in #1 above.

3. Testing, for purposes of this chapter, shall be performed in a medically approved manner. Such tests shall be conducted for medically accepted indications of exposure to or infection by the AIDS virus, ARC and such communicable diseases for which medically approved testing is readily and economically available. Positive test results would be transmitted to the Department of Health Services, and in the case of a minor, to the parents or guardian.

4. Tests results, for purposes of this chapter, shall:
   - be accompanied by a disclaimer stating that the results may not be absolutely accurate and that persons receiving such results should continue to monitor their own health;
   - not be used as evidence in any criminal or juvenile proceeding;
   - maintain the confidentiality of personal identifying data.

5. Requires that medical personnel employed, or under contract, with an adult or juvenile correctional facility who receives any information that an inmate or minor is infected with the AIDS virus or has AIDS or ARC must report that information to the officer in charge. Such information may include test results, a statement by the inmate or minor, or results of medical examinations. Information resulting from approved research cannot be included. The officer in charge shall notify all employees, contract personnel and volunteers of the information so that these persons can take appropriate action in the care of the inmate or minor.
The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

COMMUNICABLE DISEASE TESTS. INITIATIVE STATUTE. Requires courts in criminal and juvenile cases, upon finding of probable cause to believe bodily fluids were possibly transferred, to order persons charged with certain sex offenses, or certain assaults on peace officers, fire-fighters, or emergency medical personnel, to provide specimens of blood for testing for acquired immune deficiency syndrome (AIDS), AIDS-related conditions and other communicable diseases. Provides notification to specified persons of test results. Requires medical personnel in correctional facilities to report inmate exposure to such diseases and notice to personnel who come in contact with such inmates. Provides confidentiality of information reported.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: The costs of judicial proceedings to local governments and laboratory costs to local and state governments could range up to $1 million annually depending on length of proceedings, the nature of the tests, and the number of persons subject to them.
The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

[to be completed after submission to the attorney general]

To The Honorable Secretary of State of California:

We, the undersigned, registered, qualified voters of California, residents of ____________ County (or City and County), hereby propose amendments to the Health and Safety Code relating to testing of certain persons for exposure to or infection by the AIDS virus and communicable diseases and disclosure of certain information relating to AIDS and certain communicable diseases, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to the general election or otherwise provided by law. The proposed statutory amendments read as follows:

Section 1. Adoption of Chapter.

A new Chapter 1.20 commencing with section 199.95 entitled "AIDS Public Safety and Testing Disclosure" and new sections 199.95, 199.96, 199.97, and 199.98 are added to Part 1 of Division 1 of the Health and Safety Code to read as follows:
Section 199.95. Purpose. The people of the State of California find and declare that AIDS, AIDS-related conditions, and other communicable diseases pose a major threat to the public health and safety.

The health and safety of the public, victims of sexual crimes, and peace officers, firefighters, and custodial personnel who may come into contact with infected persons, have not been adequately protected by law. The purpose of this chapter is to require that information that may be vital to the health and safety of the public, victims of certain crimes, certain defendants and minors, and custodial personnel, custodial medical personnel, peace officers, firefighters and emergency medical personnel put at risk in the course of their official duties, be obtained and disclosed in an appropriate manner in order that precautions can be taken to preserve their health and the health of others or that such persons can be relieved from groundless fear of infection.

It is the intent of this chapter to supersede in case of conflict existing statutes or case law on the subjects covered including but not limited to the confidentiality and consent provisions contained in chapters 1.11, 1.12, and 1.13 of Part 1 of Division 1 of the Health and Safety Code."

"Section 199.96. Sexual Crimes. Any defendant charged in any criminal complaint filed with a magistrate or court
with any violation of Penal Code Sections 261, 261.5, 262, 266b, 266c, 286, 288, or 288a and any minor with respect to whom a petition has been filed in a juvenile court alleging violation of any of the foregoing laws, shall be subject to an order of a court having jurisdiction of the complaint or petition requiring testing as provided in this chapter.

If an alleged victim listed in the complaint or petition makes a written request for testing under this section, the prosecuting attorney, or the alleged victim may petition the court for an order authorized under this section.

The court shall promptly conduct a hearing upon any such petition. If the court finds that probable cause exists to believe that a possible transfer of blood, saliva, semen, or other bodily fluid took place between the defendant or minor and the alleged victim in an act specified in this section, the court shall order that the defendant or minor provide two specimens of blood for testing as provided in this chapter.

Copies of the test results shall be sent to the defendant or minor, each requesting victim and, if the defendant or minor is incarcerated or detained, to the officer in charge and the chief medical officer of the facility in which such person is incarcerated or detained."
"Section 199.97. Assaults on Officers. Any person charged in any criminal complaint filed with a magistrate or court and any minor with respect to whom a petition has been filed in juvenile court, in which it is alleged in whole or in part that the defendant or minor interfered with the official duties of a peace officer, firefighter, or emergency medical personnel by biting, scratching, spitting, or transferring blood or other bodily fluids on, upon, or through the skin or membranes of a peace officer, firefighter, or emergency medical personnel shall in addition to any penalties provided by law be subject to an order of a court having jurisdiction of the complaint or petition requiring testing as provided in this chapter.

The peace officer, firefighter, emergency medical personnel or the employing agency, officer, or entity may petition the court for an order authorized under this section.

The court shall promptly conduct a hearing upon any such petition. If the court finds that probable cause exists to believe that a possible transfer of blood, saliva, semen, or other bodily fluid took place between the defendant or minor and the peace officer, firefighter, or emergency medical personnel, as specified in this section, the court shall order that the defendant or minor provide two specimens of blood for testing as provided in this chapter.
Copies of the test results shall be sent to the defendant or minor, each peace officer, firefighter, and emergency medical personnel named in the petition and his or her employing agency, officer, or entity, and if the defendant or minor is incarcerated or detained, to the officer in charge and the chief medical officer of the facility in which such person is incarcerated or detained."

"Section 199.98. Testing.
(a) The withdrawal of blood shall be performed in a medically approved manner. Only a physician, registered nurse, licensed vocational nurse, licensed medical technician, or licensed phlebotomist may withdraw blood specimens for the purposes of this chapter.

(b) The court shall order that the blood specimens be transmitted to a licensed medical laboratory and that tests be conducted thereon for medically accepted indications of exposure to or infection by acquired immunity deficiency syndrome (AIDS) virus, AIDS-related conditions, and such communicable diseases for which medically approved testing is readily and economically available as determined by the court.

(c) Copies of test results which indicate exposure to or infection by AIDS, AIDS-related conditions, or other communicable diseases shall also be transmitted to the State Department of Health Services.
(d) The test results shall be sent to the designated recipients with the following disclaimer:

'The tests were conducted in a medically approved manner but tests cannot determine exposure to or infection by AIDS or other communicable diseases with absolute accuracy. Persons receiving this test result should continue to monitor their own health and should consult a physician as appropriate.'

If the person subject to the test is a minor, copies of the test result shall also be sent to the minor's parents or guardian.

(e) The court shall order all persons, other than the test subject, who receive test results pursuant to Sections 199.96 or 199.97, to maintain the confidentiality of personal identifying data relating to the test results except for disclosure which may be necessary to obtain medical or psychological care or advice.

(f) The specimens and the results of tests ordered pursuant to Sections 199.96 and 199.97 shall not be admissible evidence in any criminal or juvenile proceeding.

(g) Any person performing testing, transmitting test results, or disclosing information pursuant to the provisions of this chapter shall be immune from civil liability for any action undertaken in accordance with the provisions of this chapter.'
"Section 199.99. Custodial Safety.

(a) Any medical personnel employed by, under contract to, or receiving payment from the State of California, any agency thereof, or any county, city, or city and county to provide service at any state prison, the Medical Facility, any Youth Authority institution, any county jail, city jail, hospital jail ward, juvenile hall, juvenile detention facility, or any other facility in which adults are held in custody or minors are detained, or any medical personnel employed, under contract, or receiving payment to provide services to persons in custody or detained at any of the foregoing facilities, who receives information as specified herein that an inmate or minor at such a facility has been exposed to or infected by the AIDS virus or has an AIDS-related condition or any communicable disease, shall communicate such information to the officer in charge of the facility in which such inmate or minor is in custody or detained.

(b) Information subject to disclosure under subsection (a) shall include the following: any laboratory test which indicates exposure to or infection by the AIDS virus, AIDS-related condition, or other communicable diseases; any statement by the inmate or minor to medical personnel that he or she has AIDS or an AIDS-related condition, has been exposed to the AIDS virus, or has any communicable disease; the results of any medical examination or test which indicates
that the inmate or minor has tested positive for antibodies to the AIDS virus, has been exposed to the AIDS virus, has an AIDS-related condition, or is infected with AIDS or any communicable disease; provided, that information subject to disclosure shall not include information communicated to or obtained by a scientific research study pursuant to prior written approval expressly waiving disclosure under this section by the officer in charge of the facility.

(c) The officer in charge of the facility shall notify all employees, medical personnel, contract personnel, and volunteers providing services at such facility who have or may have direct contact with the inmate or minor in question, or with bodily fluids from such inmate or minor, of the substance of the information received under subsections (a) and (b) so that such persons can take appropriate action to provide for the care of such inmate or minor, the safety of other inmates or minors, and their own safety.

(d) The officer in charge and all persons to whom information is disclosed pursuant to this section shall maintain the confidentiality of personal identifying data regarding such information, except for disclosure authorized hereunder or as may be necessary to obtain medical or psychological care or advice.

(e) Any person who wilfully discloses personal identifying data regarding information obtained under this sec-
tion to any person who is not a peace officer or an employee of a federal, state, or local public health agency, except as authorized hereunder, by court order, with the written consent of the patient or as otherwise authorized by law, is guilty of a misdemeanor."

Section 2. Effective Date; Retrospective Application.

This initiative and its statutory amendments shall take effect the day after the election and shall be construed to apply retrospectively to pending complaints and petitions, regardless of when the underlying actions took place, and to information subject to disclosure hereunder obtained prior to its effective date, to the maximum extent permitted by law.
Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure amends, adds and repeals Sections to the Health and Safety Code, and adds Sections to the Penal Code; therefore, existing sections proposed to be deleted are printed in strikeout type and new provisions proposed to be added are printed in italic type to indicate they are new.

PROPOSED LAW
SECTION 1. This initiative and Chapter 1.11 (commencing with Section 199.20) of Part 1 of Division 1 of the Health and Safety Code shall be known and may be cited as the California Physicians for Logical AIDS Response Public Health Act of 1988.

SEC. 2. The people of the State of California find and declare all of the following:

(a) The Surgeon General of the United States, at the request of the President, has reported to the American public that the acquired immune deficiency syndrome (AIDS) epidemic is a major public health issue, and its impact on our society is presently, and will continue to become, increasingly devastating.

(b) The National Academy of Sciences Institute of Medicine has also reported to the American public that if the spread of the virus is not checked the present epidemic will become a world wide catastrophe.

(c) AIDS is a fatal, infectious, and communicable disease, dangerous to the public health.

(d) The provisions of this initiative are necessary for the preservation of public health.

SEC. 3. Section 199.19 is added to Chapter 1.11 (commencing with Section 199.20) of Part 1 of Division 1 of the Health and Safety Code, to read:
199.19. As used in this chapter, "AIDS" means acquired immune deficiency syndrome.

For purposes of this chapter, the term "tested positive" refers only to results of a generally acceptable confirmatory test or tests and not to any screening test unless the test is also considered to be a generally acceptable confirmatory test.

SEC. 4. Section 199.20 of the Health and Safety Code is amended to read:

199.20. To protect the privacy of individuals who are the subject of blood testing for antibodies to the evidence of infection by any probable causative agent of acquired immune deficiency syndrome (AIDS), the following shall apply:

Except as provided in this chapter, Section 1603.1 or Section 1603.3, as amended by AB 486 of the 1985-86 Regular Session, no person shall be compelled in any state, county, city, or other local civil, criminal, administrative, legislative, or other proceedings to identify or provide identifying characteristics which would identify any individual who is the subject of a blood test to detect antibodies to the evidence of infection by any probable causative agent of AIDS.

SEC. 5. Section 199.21 of the Health and Safety...
Code is amended to read:

199.21. (a) Any person who, without written authorization, negligently discloses results of a blood test to detect antibodies to the evidence of infection by any probable causative agent of acquired immune deficiency syndrome AIDS to any third party, in a manner which identifies or provides identifying characteristics of the person to whom the test results apply, except pursuant to a written authorization as described in subdivision 1977 or except as provided in this chapter, Section 1603.1 or Section 1603.3, shall be assessed a civil penalty in an amount not to exceed one thousand dollars ($1,000) plus court costs, as determined by the court, which penalty and costs shall be paid to the subject of the test.

(b) Any person who, without written authorization, willfully discloses the results of a blood test to detect antibodies to the evidence of infection by any probable causative agent of acquired immune deficiency syndrome AIDS to any third party, in a manner which identifies or provides identifying characteristics of the person to whom the test results apply, except pursuant to a written authorization as described in subdivision 1977 or except as provided in this chapter, Section 1603.1 or Section 1603.3, shall be assessed a civil penalty in an
amount not less than one thousand dollars ($1,000) and not
more than five thousand dollars ($5,000) plus court costs,
as determined by the court, which penalty and costs shall
be paid to the subject of the test.

(c) Any person who, without written
authorization, willfully or negligently discloses the
results of a blood test to detect antibodies to the
evidence of infection by any probable causative agent of
acquired immune deficiency syndrome (AIDS) to a third party,
in a manner which identifies or provides identifying
characteristics of the person to whom the test results
apply, except pursuant to a written authorization as
described in subdivision (f) of or except as provided in
this chapter, Section 1603.12 or Section 1603.3, which
results in economic, bodily, or psychological harm to the
subject of the test, is guilty of a misdemeanor,
punishable by imprisonment in the county jail for a period
not to exceed one year or a fine of not to exceed ten
thousand dollars ($10,000) less than one thousand dollars
($1,000) or more than five thousand dollars ($5,000), or
both.

(d) Any person who commits any act described in
subdivision (a) or (b) shall be liable to the subject for
all actual damages, including damages for economic, bodily,
or psychological harm which is a proximate cause of the act.

(e) Each disclosure made in violation of this chapter is a separate and actionable offense.

(f) The results of a blood test to detect antibodies to the probable causative agent of acquired immune deficiency syndrome which identifies or provides identifying characteristics of the person to whom the test results apply, shall not be used in any instance for the determination of insurability or suitability for employment.

(f) "Written authorization," as used in this section, applies only to the disclosure of test results by a person responsible for the care and treatment of the person subject to the test. Written authorization is required for each separate disclosure of the test results, and shall include to whom the disclosure would be made.

(g) Nothing in this section limits or expands the right of an injured subject to recover damages under any other applicable law. Nothing in this section shall impose civil liability or criminal sanction for disclosure of the results of tests performed on cadavers to public
health authorities or tissue banks.

(h) Nothing in this section imposes liability or criminal sanction for disclosure of a blood test to detect antibodies to the evidence of infection by any probable causative agent of AIDS in accordance with any reporting requirement for a diagnosed case of AIDS by the State Department of Health Services or the Centers for Disease Control under the United States Public Health Service.

(i) The State Department of Health Services may require blood banks and plasma centers to submit monthly reports summarizing statistical data concerning the results of tests to detect the presence of viral hepatitis and antibodies to other blood tests indicative of infection by any probable causative agent of AIDS. This statistical summary shall not include the identity of individual donors or identifying characteristics which would identify individual donors.

"Disclosed," as used in this section, means to disclose, release, transfer, disseminate, or otherwise communicate all or any part of any record orally, in
writing, or by electronic means to any person or entity.

SEC. 6. Section 199.22 of the Health and Safety Code is amended to read:

199.22. (a) Except as provided in this section, no person shall test a person's blood for evidence of antibodies to any probable causative agent of AIDS without the written consent of the subject of the test, and the person giving the test shall have a written statement signed by the subject confirming that he or she obtained the consent from the subject.

This requirement does not apply to any of the following:

(b)(1) A test performed at an alternative site, as established pursuant to Article 8 (commencing with Section 199.22).
This requirement also does not apply to any

(2) Any blood and blood products specified in paragraph (2) of subdivision (a) of Section 1603.1. This
requirement does not apply when

(3) When testing is performed as part of the medical examination performed pursuant to Section 7152.5.

(4) Tests conducted pursuant to Section 1202.1 of the Penal Code.

(d) Nothing in this section shall preclude a medical examiner or other physician and surgeon from
ordering or performing a blood test to detect antibodies to the evidence of infection by any probable causative
agent of AIDS on a cadaver when an autopsy is performed or body parts are donated pursuant to the Uniform Anatomical
Gift Act, provided for pursuant to Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7.

(e) The requirements of subdivision (a) do not apply when blood is tested as part of a scientific investigation conducted either by medical researchers operating under institutional review board approval or by
the state department in accordance with a protocol for unlinked testing. For purposes of this section, the term "unlinked testing" means that blood samples are obtained anonymously or that the individual's name and other identifying information is removed in a manner that precludes the test results from ever being linked to a particular individual in the study.

An individual or entity conducting unlinked testing as defined in this subdivision shall be exempt from the reporting requirements of Section 199.24.

Alternative test sites provided for pursuant to Article 8 (commencing with Section 1630) of Chapter 4 of Division 2 shall not be eligible to conduct unlinked testing, as defined in this subdivision.

SEC. 7. Section 199.23 of the Health and Safety Code is amended to read:

199.23. Neither the state department nor The State Department of Health Services, any alternative test site provided for pursuant to Article 8 (commencing with Section 1630) of Chapter 4 of Division 2, any blood bank or plasma center, including a blood bank or plasma center owned or operated by a public entity, or any physician and surgeon, shall not be held liable for any damages resulting from the notification of test results, as set
forth in this chapter, or pursuant to paragraph (3) of subdivision (a) of and in subdivision (c) of Section 1603.37 as amended by AB 480 of the 1985-86 Regular Session.

SEC. 8. Section 199.24 is added to the Health and Safety Code, to read:

199.24. Notwithstanding Section 199.21 or any other provision of law, any physician and surgeon, blood bank, plasma center, entity, or county that operates an alternative test site established pursuant to Article 8 (commencing with Section 1630) of Chapter 4 of Division 2, or alternative test site, who knows, or has reasonable cause to believe, that a patient or donor has been infected by, or has tested positive in, any test indicating infection by any probable causative agent of AIDS, shall within 48 hours, promptly report this fact to the local health officer in the county where the patient or donor resides. This information, together with the name of the person, if known, and the nature of associated supervening disease, if present, shall be transmitted to the local health officer in accordance with the regulations adopted pursuant to subdivision (b) of Section 199.28. The requirements of this section do not apply to unlinked testing, as defined in subdivision (e) of Section
Section 199.25 of the Health and Safety Code is repealed.

Notwithstanding Section 199.21 or any other provision of law, no physician and surgeon who has ordered a test to detect antibodies to the probable causative agent of acquired immune deficiency syndrome and who has the results of the test shall be held criminally or civilly liable for disclosing to a person believed to be the spouse of a patient that the patient has tested positive on a test to detect antibodies to the probable causative agent of acquired immune deficiency syndrome.

This section is permissive on the part of the attending physician and all requirements and other authorization for the disclosure of test results to detect antibodies to the probable causative agent of acquired immune deficiency syndrome are limited to the provisions contained in this chapter, Chapter 199 (commencing with Section 199.30) and Sections 199.24 and 199.25.

Section 199.25 is added to the Health and Safety Code, to read:

(b) Notwithstanding Section 199.21 or any other provision of law, no physician and surgeon who has knowledge of the results of any test indicative of
infection by any probable causative agent of AIDS shall be held criminally or civilly liable for disclosing the results of the tests, if confirmed to be positive, without the authorization of the subject of the test to any of the following:

1. The subject of the test.

2. Any person authorized to consent to the test pursuant to subdivision (b) of Section 199.22.

3. A person believed to be the spouse of the subject of the test.

4. Any person with whom the subject of the test is believed to have had sexual contact, or any other contact believed to pose a threat of infection to that person.

5. Other medical personnel involved in the treatment of the subject of the test.

(b) Notwithstanding Section 199.21 or any other provision of law, no registered nurse who has knowledge of the results of any test indicative of infection by any probable causative agent of AIDS shall be held criminally or civilly liable for disclosing the results of the tests, if confirmed to be positive, without the authorization of the subject of the test to other medical personnel involved in the treatment of the subject of the test.
(c) This section is permissive on the part of the attending physician and surgeon, and all requirements and other authorization for the disclosure of test results indicative of infection by any probable causative agent of AIDS are limited to the provisions contained in this chapter, Chapter 1.12 (commencing with Section 199.30), and Sections 1603.1 and 1603.3.

(d) Nothing contained in this section shall be construed to impose any duty upon any physician and surgeon or registered nurse to notify anyone of the fact that a patient has tested positive for any rest indicative of infection by any probable causative agent of AIDS, except to any of the following:

(1) The subject of the test.

(2) A person authorized to consent to the test pursuant to subdivision (b) of Section 199.22.

(3) The local health officer pursuant to Section 199.24.

SEC. 11. Section 199.26 is added to the Health and Safety Code, to read:

199.26. (a) Each local health officer is hereby directed to use every available means to ascertain the existence of, and immediately to investigate, all reported cases of persons who have been diagnosed with AIDS or who
test positive for any test indicating infection by any probable causative agent of AIDS within his or her jurisdiction, to ascertain the sources and possible transmittal of these infections, and to take all measures reasonably necessary to prevent the transmission of infection. These measures shall include, but not be limited to, notification of these findings to the test subject's spouse, to other known sexual partners of the test subject, and to any other person the public health officer has reasonable cause to believe has been exposed to any probable causative agent of AIDS under conditions posing a substantial risk of infection to that person.

(b) Nothing contained in this section shall be construed to require the use of quarantine or isolation for the management of AIDS. The use of authority vested in California's local health officers to quarantine or isolate shall not be affected by the changes in the law made by the Paul Gann Public Health Act.

SEC. 12. Section 199.27 of the Health and Safety Code, as added by Chapter 663 of the Statutes of 1987, is repealed.

499+27+ Any person receiving a test for the presence of antibodies to human immunodeficiency virus (HIV) may disclose the identity of any sexual partners or
any person with whom he or she has shared the use of hypodermic needles to the county health officer after the person has signed a consent form provided by the person's physician or designee who has administered the test, which acknowledges that the person is making this disclosure voluntarily.

¶b If a signed consent form has been provided by the person designated by the physician to administer the test, the signed consent form shall be forwarded by the physician's designee to the physician. The physician shall forward any consent forms signed pursuant to subdivision 4a to the county health officer.

¶c The county health officer may alert the sexual partners of the partner of shared needles about their exposure without disclosing any identifying information about the individual making the disclosure and shall refer any person to whom a disclosure is made pursuant to this subdivision to alternative test sites where they may wish to obtain testing.

¶d The county health officer shall keep confidential the seropositivity status of the individual making the contact disclosure and the identities of the persons contacted.

¶e Except as provided in Section 4683 or
499.27 no person shall be compelled in any state, county, city, or local civil, criminal, administrative, legislative, or other proceedings to identify or provide identifying characteristics which would identify any individual making a contact disclosure or named as a contact pursuant to this section.

SEC. 13. Section 199.27 of the Health and Safety Code, as added by Chapter 1427 of the Statutes of 1987, is repealed.

499.27 (a) When the subject of a blood test to detect antibodies to the probable causative agent of AIDS is not competent to give consent for the test to be performed, written consent for the test may be obtained from the subject's parents, guardians, conservators, or other person lawfully authorized to make health care decisions for the subject. For purposes of this paragraph, a minor shall be deemed not competent to give consent if he or she is under 12 years of age.

(b) Notwithstanding paragraph (a), when the subject of the test is a minor adjudged to be a dependent child of the court pursuant to Section 360 of the Welfare and Institutions Code, written consent for the test to be performed may be obtained from the court pursuant to its authority under Section 362 or 369 of the Welfare and
Institutions Code:

{b} Written consent shall only be obtained for the subject pursuant to subdivision {a} when necessary to render appropriate care or to practice preventative measures.

{b} The person authorized to consent to the test pursuant to subdivision {a} shall be permitted to do any of the following:

{1} Notwithstanding Sections 499+20 and +99+2+7, receive the results of the test on behalf of the subject without written authorization.

{2} Disclose the test results on behalf of the subject in accordance with Section 499+20 and +99+2+7.

{3} Provide written authorization for the disclosure of the test results on behalf of the subject in accordance with Sections 499+20 and +99+2+7.

SEC. 14. Section 199.27 is added to the Health and Safety Code, to read:

199.27. Every person who is informed that he or she has tested positive for any test indicating infection by any probable causative agent of AIDS shall, within seven days, report to the local health official the name and address of any person from whom the disease may have been contracted and to whom the disease may have been
transmitted.

SEC. 15. Section 199.28 is added to the Health and Safety Code, to read:

199.28. (a) Except as provided in subdivisions (c) and (d), all information received by state and local health departments pursuant to Section 199.24 and Section 199.27 shall be confidential, and the State Department of Health Services and any local health officer receiving a subpoena for these records shall assert a privilege pursuant to Section 1040 of the Evidence Code.

(b) Not later than 180 days after the effective date of this section, the Director of Health Services shall adopt regulations:

(1) Governing the transmission and maintenance of confidential information transmitted pursuant to Section 199.24.

(2) Establishing procedures for the use of information reported pursuant to Section 199.24 by the State Department of Health Services and local health officers to control the spread of AIDS.

(3) Establish guidelines that are reasonably necessary to prevent the transmission of AIDS.

(c) Any information obtained by a physician and surgeon before, during, after, or as a result of, an
examination of a patient who has tested positive for any
test indicating infection for any probable causative
agent of AIDS and any information transmitted pursuant to
Section 199.24, shall be admissible in any of the
following:

(1) A criminal action against a patient charged
with a violation of any provision of this chapter,
Section 1621, or Section 647f or 268 of the Penal Code.

(2) A civil action against the patient for the
transmittal, or threatened transmittal, of any probable
causative agent of AIDS to an uninfected person or
persons.

The privileges provided by Section 994 of the
Evidence Code and Section 199.20 are not applicable in
any prosecution or proceeding described in this
subdivision.

(d) Any physician and surgeon, health officer, or
spouse, shall be competent and may be required to testify
in any of the following:

(1) A criminal action against the patient charged
with a violation of any provision of this chapter,
Section 1621, or Section 647f or 268 of the Penal Code.

(2) A civil action against the patient for the
transmittal of any probable causative agent of AIDS to an
uninfected person or persons.
The privileges provided by Sections 970, 971, 980, 994, and 1014 of the Evidence Code and Section 199.20 are not applicable in any prosecutions or proceedings described in this subdivision.

(e) Regulations adopted pursuant to this section shall require a finding by the director that any public use of information reported pursuant to Section 199.24 or Section 199.27 is essential to control the spread of AIDS.

(f) Nothing in this section shall prohibit a judge in a civil action from issuing protective orders fashioned to protect the privacy of any party or any witness.

SEC. 16. Section 199.285 is added to the Health and Safety Code, to read:

199.285. An employer shall not inhibit or interfere with an employee's decision to wear any protective clothing, gowns, gloves, or other protective gear that the employee deems necessary for protection against contamination by any probable causative agent of AIDS unless the protective gear poses a direct hazard to others in the workplace or prevents the employee from performing the normal duties of his or her job. Nothing in this section shall be deemed to impose a duty, requirement, or obligation on the employer or any other person other than the employee to pay for, furnish, or reimburse the employee for the protective gear.

SEC. 17. Section 199.29 is added to the Health
199.29. (a) Any person who refuses to give any information, to make any report, to comply with any proper control procedure or examination, or to perform any other duty or act, required by this chapter, or who violates this chapter or any rule or regulation of the State Department of Health Services issued pursuant to this chapter is guilty of a misdemeanor.

(b) Any physician and surgeon who fails to comply with the reporting requirements of this chapter shall be liable for an additional civil penalty of two hundred fifty dollars ($250) for each violation.

SEC. 18. Section 1208.5 is added to the Health and Safety Code, to read:

1208.5. To the extent permitted by federal law, a clinic shall place a biological hazard label on all items known to the clinic to be soiled by, or containing, body fluids of patients of the clinic infected by any probable causative agent of acquired immune deficiency syndrome (AIDS).

SEC. 19. Section 1287 is added to the Health and Safety Code, to read:

1287. To the extent permitted by federal law, a health facility shall place a biological hazard label on
all items known to the health facility to be soiled by, or containing, body fluids of patients of the health facility that are infected by any probable causative agent of acquired immune deficiency syndrome (AIDS).

SEC. 20. Section 1621 is added to the Health and Safety Code, to read:

1621. It is a felony punishable by imprisonment in the state prison for five, seven, or nine years, for any person to donate blood, whether the person is a paid or a volunteer donor, if the person knows that he or she has been infected by any probable causative agent of acquired immune deficiency syndrome (AIDS), or if the person knows that he or she has tested positive, as defined in Section 199.19, for any test indicative of infection by any probable causative agent of acquired immune deficiency syndrome (AIDS).

For purposes of this section, the term "blood" means "human whole blood" and "human whole blood derivatives," as defined for purposes of this chapter and includes "blood components," as defined in subdivision (1) of Section 1603.1.

SEC. 21. Section 268 is added to the Penal Code, to read:

268. (a) Any person who commits one or more of
the offenses listed in subdivision (b) with knowledge that
he or she is infected by any probable causative agent of
acquired immune deficiency syndrome (AIDS) or that he or
she has tested positive, as defined in Section 199.19 of
the Health and Safety Code, for any probable causative
agent of acquired immune deficiency syndrome (AIDS) at the
time of the commission of those offenses, shall receive a
three-year enhancement for each violation in addition to
the sentence provided under those sections.

(b) Subdivision (a) shall apply to all of the
following offenses:

(1) Rape in violation of Section 261.
(2) Unlawful intercourse with a female under age
18 in violation of Section 261.5.
(3) Rape of a spouse in violation of Section 262.
(4) Unlawful sodomy in violation of Section 286.
(5) Unlawful oral copulation in violation of
Section 288a.
(6) Lewd and lascivious conduct with a child
under the age of 14 in violation of Section 288.
(7) Rape by foreign object in violation of
Section 289.
(8) Sexual battery in violation of Section 243.4.
(9) Assault by means likely to produce great bodily injury in violation of Section 245.

SEC. 22. Section 647f is added to the Penal Code, to read:

647f. Any person who violates subdivision (b) of Section 647 with knowledge that he or she is infected by any probable causative agent of acquired immune deficiency syndrome (AIDS) or that he or she has tested positive, as defined in Section 199.19 of the Health and Safety Code, for any probable causative agent of acquired immune deficiency syndrome (AIDS) is guilty of a felony punishable by imprisonment in the state prison for five, seven, or nine years.

SEC. 23. Section 1202.1 is added to the Penal Code, to read:

1202.1. (a) Notwithstanding any other provision of law, in any case wherein a person is charged with a violation of an offense listed in subdivision (d), blood samples may be taken from the person so charged and may be submitted and tested for the presence of evidence of any probable causative agent of acquired immune deficiency syndrome (AIDS). The results of these tests shall, notwithstanding any other provision of law, be subject to
communication and disclosure in the same manner as the results of any other bodily fluid test. Each person tested under this section shall be informed of the results of the blood test.

(b) Notwithstanding Section 199.21 of the Health and Safety Code, the results of the blood test or tests to detect infection by any probable causative agent of acquired immune deficiency syndrome (AIDS) shall be transmitted by the clerk of the court to the Department of Justice, which shall include the results of those persons tested under this section in the state summary criminal history information.

(c) Notwithstanding Section 199.21 of the Health and Safety Code, the court, the defense attorney, the prosecuting attorney, and the local law enforcement agency involved in a criminal investigation or prosecution under Section 647 or 647f shall, upon request, be provided by the Department of Justice with the results of any test or tests as to the person under investigation or being prosecuted under those sections if the results are on file with the department.

(d) For purposes of this section, sexual offenses include any of the following:

(1) Rape in violation of Section 261.
(2) Unlawful intercourse with a female under age 18 in violation of Section 261.5.

(3) Rape of a spouse in violation of Section 262.

(4) Unlawful sodomy in violation of Section 286.

(5) Unlawful oral copulation in violation of Section 288a.

(6) Soliciting, agreeing to engage in, or engaging in, any act of prostitution in violation of subdivision (b) of Section 647.

(7) Lewd and lascivious conduct with a child under the age of 14 in violation of Section 288.

(8) Rape by foreign object in violation of Section 289.

(9) Sexual battery in violation of Section 243.4.

(10) Assault by means likely to produce great bodily injury in violation of Section 245.

SEC. 24. In the event that any section, subdivision, or portion thereof of this act is deemed unconstitutional by a proper court of law, then that section, subdivision, or portion thereof shall be stricken from the act and all other sections, subdivisions, and portions thereof shall remain in force, alterable only by
the people, according to process.
Dear Friend,

On election day this November, California voters will decide questions of life and death. They will decide whether to remain on course with an enlightened and effective AIDS policy or veer recklessly off course with a mandatory reporting policy for people merely suspected of having been exposed to AIDS.

If California's voters make the wrong decision, a movement will start across the Country to pass laws as repressive as Proposition 102.

What kind of State would allow this to happen?

A friend of yours takes a new job. To qualify for group medical coverage, a physical is required. The doctor pieces together some simple facts: your friend is single, lived in San Francisco a few years back, and has swollen lymph glands. The doctor has "reasonable cause to believe" that your friend may have been exposed to AIDS.

A few days later, a County Health Officer contacts your friend and requests the names, addresses, and phone numbers of every sexual partner they might have exposed to AIDS.

The result of the AIDS test is negative. Still, your friend's name is in a file in the County offices. That record is like a time-bomb waiting to go off.

Maybe something worse happens...
Your friend tests positive! The doctor reports the results of the AIDS test both to the insurance company and the employer. One week later, without medical insurance, your friend is fired for "unsatisfactory work performance."

If Proposition 102 passes, either of these scenarios could occur for thousands of Californians. Many of them will be people who are not in high risk groups at all.

Under Proposition 102, anyone could be a SUSPECT.

California is considered a world model for intelligent, compassionate, and effective public health strategies to combat AIDS. Its programs of education, anonymous and confidential testing, and counseling have succeeded in almost completely eliminating new HIV infections among high risk populations.

California is also one of the world's most important centers for AIDS research.

The California Medical Association, Health Officers Association of California and leading AIDS researchers agree that the passage of Proposition 102 would destroy the California model.

Proposition 102 will:

- Close all anonymous test sites.

- Require doctors to report the names of everyone who tests positive for the AIDS virus, and all those who have already tested positive.

- Require doctors to report the names of everyone they merely have "reasonable cause to believe" may have been exposed to AIDS.
• Require local health officials to trace all those who may have been exposed to AIDS by an infected person.

• Repeal current laws that prohibit employers and insurance companies from using the AIDS antibody test to determine eligibility for a job or health coverage.

Cost $1.75 billion to carry out, a figure that would dwarf the current State AIDS budget of only $75 million. These funds would no doubt be taken from already strained AIDS efforts.

Proposition 102 is sponsored by right-wing Congressman William Dannemeyer. It is being supported by a group called Physicians for a Logical AIDS Response - a group with members who persist in arguing that AIDS is casually transmitted, despite conclusive evidence to the contrary.

Clearly, Proposition 102 is anything but "logical". It is cruel. At a time when people at risk for AIDS are being tested and entering programs that might help them from developing AIDS, Proposition 102 slams the door on hope.

Requiring doctors to report the names of people who test positive for the AIDS virus will destroy our effort to encourage people at risk to be tested - because doing so will result in discrimination.

Requiring researchers to report people with positive AIDS tests will drive away participants in studies aimed at identifying treatments for HIV infection. California's leadership in AIDS research will be destroyed.

PROPOSITION 102 MUST BE DEFEATED!
It will be much more difficult to defeat Proposition 102 than it was to defeat either of the two previous LaRouche initiatives - Propositions 64 and 69. The issues involved in Proposition 102 are much more complex. Its backers are more credible, better financed, and more capable than LaRouche.

So far, the polls show that Proposition 102 will pass. But these same polls show that once people understand the real impact of this law, they can be moved to vote against Proposition 102 in numbers big enough to defeat it!

The side that is better able to get its message out will be the side that wins this critical campaign. In statewide campaigns in California, the side with the most money generally wins.

The people behind Proposition 102 raised over $500,000 just to get it on the ballot. They have already made a major media purchase, and are in a position to raise a great deal more money. If the insurance industry helps them, California's AIDS policies - and the nation's - will be in serious jeopardy.

Californians Against Proposition 102 must be ready to match or exceed the money spent by its opposition on major media. It is critical that YOU help make that happen.

Please. Send as large a contribution as you can today. If you can, contact the campaign and offer to hold a party for friends to raise funds for the campaign. The campaign can help you with that party.

Thank you for considering this critical request. We assure you: your help will make a difference.

Sincerely,

HARRY BRITT
Supervisor
City and County of San Francisco

MARCUS A. CONANT, M.D.
Member
California AIDS Leadership Committee
NO ON 102
It's Worse Than LaRouche!!

The Dannemeyer AIDS Initiative, Proposition 102, threatens to cripple all of our efforts to stop the AIDS epidemic. It will:

- Deny health insurance to anyone who is infected with the AIDS virus, and allow employers to use the AIDS test in hiring and firing, putting the burden of care for people with AIDS onto the taxpayers;
- Force doctors, clinics, and perhaps everyone, to report anyone that they believe to be infected within 48 hours, or face criminal charges and fines;
- Destroy anonymous test sites, many research projects, and counseling and education programs;
- Waste scarce public funds for enforcement of ineffective policies, instead of the counseling and education that we know can slow the epidemic.

Proposition 102 threatens every community in Alameda County: White, Black, Latino...every ethnic group; gays and straights; women and men; rich and poor. None of us can afford to sit back and watch this initiative become law!

Help us win the fight against AIDS -- join the campaign against Prop. 102

Yes! I want to stop Proposition 102

I will:
- Volunteer for the campaign - please call me!
- Contribute funds: $______________
- Get my community organization, church or synagogue to endorse the "No on 102" campaign

- You may list my name as an opponent of Prop.102

(Name)

(Organization - for identification purposes only)

(Address)

(Phone)

United AIDS Initiatives Campaign of Alameda County
5825 Telegraph Ave #102 • Oakland, CA • 94609 • 415/843-4272

Labor Donated
Imagine taking a cross-country road trip, stopping at places like Disneyland, the Grand Canyon, and Graceland. The perfect vacation, right? Unless you're a gay man or lesbian. Because in America homophobia and people like Jesse Helms and William Dannemeyer have made living a daily act of courage for "out" gay men and lesbians.

The Lavender Tortoise, in the tradition of the Freedom Rides of the sixties, will bring it's brand of queer outreach to the nation.

In the Spring of 1992 gay men, lesbians, and other non-conformists will travel from San Francisco to New York on an adventure to fight homophobia with a positive and proactive form of lesbian and gay visibility.

We will come face to face with icons of Americana, homophobia, and glamour, visiting Dannemeyer and Jesse Helms at their homes in Orange County and North Carolina; conquering the Grand Canyon and visiting the White House; and celebrating in Disneyland, Graceland, and Las Vegas.

Travelers will include performance artists, writers, drag queens, and activists of diverse genders and national origins who embody a broad spectrum of life experiences and views.

Unfortunately the Lavender Tortoise doesn't only run on gas, it runs on money. As a part of the program of Secession Gallery, the Lavender Tortoise is a non-profit, tax deductible project being funded by private and public donations.

Please help us send a message to homophobes like Helms and Dannemeyer: as gay men and lesbians we will no longer "walk in the shadows".

Inquiries and tax deductible contributions can be sent to: The LIBERTY TOUR c/o The Secession Gallery, 4301 20th Street San Francisco, CA 94114