

New AIDS laws may backfire — experts

Even as Rep. David Hoenigman's bill passed through the House to stem the spread of AIDS, one expert was saying the Michigan legislature's strategy might backfire.

Dr. Evelyn Fisher of Henry Ford Hospital in Detroit said the seven-bill package may discourage testing for the disease among those who suspect they are infected but want to keep their identities hidden.

"There's such a stigma attached to the disease. If a guy thinks 'they're going to tell my wife they think I'm going to die in a period of time,' he just won't come in," said Fisher, who deals with hundreds of people who have the disease or the virus that leads to it.

"It's going to drive this disease underground," she said.

HONIGMAN'S House Bill 4008 was part of a bipartisan seven-bill package that passed the 1988 Legislature.

The bill would require courts to order persons arrested for crimes that could spread the AIDS virus, such as prostitution, to illegal intravenous drug use, to be given educational material on AIDS and be recommended for counseling.

Courts would be required to order

all persons convicted of such crimes be tested for the AIDS virus.

Victims of the crimes would have to be notified of test results.

Fisher's comment: "People need to protect themselves. They can't expect the state to provide them with safe prostitutes."

OTHER BILLS would:

- Require testing of donated human organs, tissues, blood or sperm prior to the transplant or transfer (Rep. Shirley Johnson, R-Royal Oak).
- Establish legal procedures for controlling AIDS-infected persons whose behavior poses a health threat to others (Rep. Michael Bennane, D-Detroit).
- Require written consent from a person seeking an AIDS test and protection of the confidentiality of test results (Rep. Teola Hunter, D-Detroit).
- Establish a confidential AIDS tracking and contact notification program in the state Health Department (Rep. Tom Power, R-Traverse City).
- Require that all marriage license applicants be given information and offered counseling about AIDS (Sen. William Soderburg, R-Renton).

THE MEASURES are designed to protect healthy people from contracting the virus. Some people argue that they violate the rights of carriers and some non-carriers.

AIDS (acquired immunodeficiency syndrome) is a virus that attacks the body's immune system, leaving victims susceptible to a wide variety of infections and cancers. It is most commonly transmitted through sexual contact between homosexual males and the sharing of hypodermic needles or syringes among drug abusers. There is no cure or vaccine for the disease.

As of Dec. 12, the state Department of Public Health said 928 cases of AIDS had been reported in Michigan since 1981; 527 of those people have died.

Part of the package of bills would allow private doctors to notify a patient's spouse or sexual partner if the patient tests positive for the virus. Doctors also would be able to ask

the health department to help in notifying sexual partners, and the doctor would have civil immunity for breach of confidentiality.

FISHER SAID that more than anything else, her patients fear having it known they have the disease.

In fact, she said, when federal officials discussed the option of requiring reporting, there was a drastic drop in the number of people who came in to be tested.

As reasonable as contact tracing may sound, it will be counterproductive, Fisher said.

"It's always going to be voluntary. People can put down Ron and Nancy Reagan as their partners if they want to — you can't force it out of them," she said.

"We physicians feel we do better by talking with a patient privately and not involving the health department. By and large, you can convince most people to do the right thing."

THE LEGISLATURE decided to get tough on irresponsible AIDS carriers by threatening them with a felony and segregation. There's little chance such a law ever would be enforced, legislators said.

It is targeted at AIDS patients who don't warn a partner that they carry the virus before having sex or sharing needles.

"Everyone is supposed to take their own precautions regardless of whether they're infected," he said. "You can become infected unless you take precautions, and you should not wait until someone tells me, 'Hey I have AIDS.'"

The Associated Press contributed to this story.



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