

PURPOSE

Senate Bill 1408 (Allen) would permit HIV-positive individuals to donate organs and tissue to be used for transplantation in HIV-positive patients, bringing state law in line with federal law.

BACKGROUND

Over 75,000 patients are currently on the active waiting list for organ transplants in the United States, and thousands are added to the list each year. However, roughly 30,000 transplantations are performed annually and many patients die while waiting for a transplant. There is an ever-pressing need to have more compatible donors available to donate life-saving organs and tissue.

Health and Safety Code, Section 1644.5 prohibits transplantation of organs and tissue from an HIV-positive donor to an HIV-positive recipient. This law was enacted at a time when very little was known about HIV and AIDS. Since that time, however, societal and medical understanding of HIV and AIDS has greatly improved. There are now effective treatments that lengthen and improve the quality of life for people living with HIV and AIDS, and successfully treated HIV-positive individuals have a normal life expectancy. Now that HIV-positive individuals are living longer, other chronic conditions such as kidney and liver failure have emerged. These are conditions for which organ transplant is the standard of care treatment. Unfortunately, the number of individuals in need of organ transplants far exceeds the availability of healthy organs.

In 2013, the HIV Organ Policy Equity (HOPE) Act was signed into law by President Obama. The HOPE Act directed the Department of Health and Human Services to develop standards for research on HIV-positive organ transplantation and permitted positive-to-positive transplantation if the results of the research warranted such a change. In addition, the Act amended federal criminal law regarding HIV transmission to clarify that such organ donations are not prohibited. Research conducted in South Africa has shown that organ transplantation from HIV-positive donors to HIV-positive recipients does not negatively affect patient outcomes. In March 2016, Johns Hopkins University performed the first kidney and liver transplants between HIV-positive donors and HIV-positive patients in the United States.

SUPPORT

SB 1408 is supported by the ACLU of California, AIDS Project Los Angeles, Equality California, Erotic Service Provider Legal Educational and Research Project, Free Speech Coalition, Health Officers Association of California, Lambda Legal, Los Angeles LGBT Center, Mexican American Legal Defense and Educational Fund, Positive Women's Network-USA, Sex Workers Outreach Project, and Transgender Law Center.

SUMMARY

SB 1408 would allow for organ and tissue donation between HIV-positive donors and HIV-positive recipients, bringing state law in line with federal law under the HOPE Act. Permitting donated, HIV-positive organs and tissue to be used for transplantation in HIV-positive patients has the potential to save the lives of hundreds of HIV-positive patients each year, as well as shortening the general waiting list for individuals awaiting transplants.

CONTACTS

Craig Pulsipher, State Affairs Specialist
AIDS Project Los Angeles
213-201-1378
cpulsipher@apla.org

Jo Michael, Legislative Manager
Equality California
619-204-4995
jo@eqca.org

Aaron Fox, Director of Government Relations
Los Angeles LGBT Center
323-993-7464
afox@lalgbtcenter.org

Arnetta Rogers, Reproductive Justice & HIV Fellow
Positive Women's Network - USA
510-698-3811
arneta.rogers.pwnusa@gmail.com

Tiffany Mok, Senior Policy Consultant
Office of Senator Ben Allen
916-651-4026
tiffany.mok@sen.ca.gov