



STATE CAPITOL  
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Assembly  
California Legislature  
Committee on Rules  
RICHARD S. GORDON  
CHAIR

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JAY OBERNOLTE (R-ALT.)

Monday, May 23, 2016  
12:50 p.m.  
State Capitol ~ Room 3162

**SUPPLEMENTAL  
CONSENT AGENDA**

Bill Referrals

1. Consent Bill Referral

Request to Add Urgency Clause

2. SB 1408 (Allen) Relative to tissue donation.

Request to Waive Joint Rule 61 (b)

3. Request from Assembly Health Committee to waive JR 61(b) to hear SB 1408 (Allen) relative to tissue donation.



REFERRAL OF BILLS TO COMMITTEE

May 23, 2016

Senate Bill No.

SB 1408

Committee:

HEALTH

Bill Referral Digest

BILL NUMBER: SB 1408

REFER TO:

HEALTH

AUTHOR: Allen

DATE REFERRED:

05/23/2016

RELATING TO: Tissue donation.

An act to amend Section 1644.5 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL DIGEST

(1) Existing law prohibits the transfer of any tissues, as defined, into the body of another person by means of transplantation, unless the donor of the tissues has been screened and found nonreactive for evidence of infection with human immunodeficiency virus (HIV), agents of viral hepatitis (HBV and HCV), human T lymphotropic virus (HTLV), and syphilis, except as provided. Existing law requires that all donors of sperm be screened and found nonreactive under the above provisions, except as provided. Existing law authorizes the transplantation of tissue from a donor who has not been tested for specified infectious diseases or, with the exception of HIV and HTLV, has been found reactive, if specified conditions are satisfied.

This bill would delete the exception of HIV from this provision. *The bill would require a physician and surgeon performing the transplantation of tissue from an HIV-reactive donor to ensure that the recipient is also HIV reactive and complying with federal law, as specified.*

(2) Under existing law, it is a felony for a person to donate blood, body organs or other tissue, or semen to a medical center or semen bank who knows that he or she has acquired immunodeficiency syndrome (AIDS) except if the person is a sperm donor who has been screened and found nonreactive under the above provisions. Under existing law, a person afflicted with any contagious, infectious, or communicable disease who willfully exposes himself or herself to another person, and any person who willfully exposes another person afflicted with the disease to someone else, is guilty of a misdemeanor, except as provided.

This bill would exempt those sperm donors and tissue donors from those criminal provisions.

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

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# California State Senate

SENATOR  
BEN ALLEN

TWENTY-SIXTH SENATE DISTRICT



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BUDGET & FISCAL REVIEW  
SUBCOMMITTEE NO. 1 ON EDUCATION

JOINT COMMITTEE  
JOINT COMMITTEE ON ARTS  
CHAIR

May 19, 2016

Assemblymember Rich Gordon  
Chair, Assembly Rules Committee  
State Capitol, 3<sup>rd</sup> Floor  
Sacramento, CA 95814

Dear Chair Gordon,

I am writing to request approval by the Assembly Rules Committee to add an urgency clause to SB 1408, my legislation that will remove the prohibition in state law on organ donation from an HIV-positive person to an HIV-positive person. Under existing law, organ donation by HIV-positive persons is punishable as a felony. SB 1408 would strike the felony penalty from the law, and expressly authorize organ transplants between HIV-positive persons. Research conducted in South Africa and in the United States has illustrated that organ transplants between HIV-positive persons do not negatively impact patient outcomes.

New, effective treatments are giving a normal life expectancy to HIV-positive persons. With that, other chronic conditions such as kidney and liver failure have emerged, for which organ transplants are often the required treatment.

There are currently 120,000 persons awaiting organ transplants throughout the country. 22 people die every day waiting to receive donated organs.

My office has been informed by the University of California San Francisco that there are several people currently awaiting organ transplants for whom passage of this legislation is literally a matter of life and death. I respectfully request your consideration of the urgency clause, and would be happy to discuss it with you in person at your convenience.

Sincerely,

  
BEN ALLEN  
Senator, 26<sup>th</sup> District



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Patterson, Jim  
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Waldron, Marie

# California State Assembly

**HEALTH**



**JIM WOOD  
CHAIR**

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**State Capitol, Room 6005**  
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May 23, 2016

Honorable Richard Gordon, Chair  
Assembly Committee on Rules  
State Capitol, Room 3016  
Sacramento, CA 95814

Dear Chairman Gordon,

I respectfully request a Joint Rule 61 (b) waiver so that the Assembly Health Committee can meet and hear SB 1408 (Allen) after the policy committee deadline.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Jim Wood".

JIM WOOD  
Chair, Assembly Committee on Health

JW/pr