



*Via Facsimile and Electronic Mail*

August 12, 2014

The Honorable Isadore Hall, III  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0064  
Tel: (916) 319-2064  
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**Re: AB 1576 (Hall) – Neutral Position Pending Removal of State-Mandated STD/HIV Testing Provision**

Dear Assemblymember Hall:

The HIV Prevention Justice Alliance, the Positive Women's Network-USA, and the Center for HIV Law and Policy write in connection with AB 1576. As you are aware, we strongly oppose efforts to authorize state-mandated STD testing, including HIV testing. State-mandated STD/HIV testing is a matter of great public concern and raises serious legal and policy issues.

The Sponsor recently has offered amendments (see below) striking proposed Labor Code section 6401.9 subdivision (a)(1)(B). Since the amendments we suggested addressed problems created by the state-mandated testing provision in this subsection, our organizations will adopt a **neutral position** on AB 1576 once the state-mandated STD/HIV testing provision listed under proposed subdivision (a)(1)(B) has been removed. We will continue to monitor AB 1576 closely.

Furthermore, we look forward to working with the Occupational Safety and Health Standards Board to ensure that any regulations or rulemaking concerning control of infectious or sexually transmitted diseases in the workplace reflect current medical science and incorporate legal protections for people living with all such diseases, including but not limited to HIV.

In connection with this matter, please contact Walt Senterfitt at [WSenterfit@aol.com](mailto:WSenterfit@aol.com) with the HIV Prevention Justice Alliance or Ivan Espinoza-Madrigal at The Center for HIV Law and Policy at [iespinoza@hivlawandpolicy.org](mailto:iespinoza@hivlawandpolicy.org) or (212) 430-6733.

Respectfully,

J. Walton Senterfitt, PhD, MPH  
Founding Co-Chair  
HIV Prevention Justice Alliance

Naina Khanna  
Executive Director  
Positive Women's Network-USA

Ivan Espinoza-Madrigal, Esq.  
Legal Director  
The Center for HIV Law and Policy

Enclosure: Amendments Drafted by Sponsor to AB 1576

CC: Senate Appropriations Committee

## AMENDMENTS

SECTION 1. Section 6401.9 is added to the Labor Code, to read:

6401.9. (a) (1) In addition to the requirements of Section 5193 of Title 8 of the California Code of Regulations, an adult film employer shall include the following information in an exposure control plan:

(A) That each time an employee performing in an adult film engaged in vaginal or anal intercourse, ~~personal protective equipment~~ barrier protection, such as a condom, was used to protect the employee from exposure to bloodborne pathogens. This subparagraph shall not be construed to require that the ~~personal protective equipment~~ barrier protection be visible to the consumer in the finished film.

~~(B) That each employee performing in an adult film was tested for sexually transmitted infections, according to the recommendations of the Centers for Disease Control and Prevention and the State Department of Public Health current at the time the testing takes place, not more than 14 days prior to filming any scene in which the employee engaged in vaginal or anal intercourse, that the employee consented to disclosing to the Division of Occupational Safety and Health that the employee was the subject of a human immunodeficiency virus (HIV) test, and that the employer paid for the test.~~

(B) Any additional information as required by the Division of Occupational Safety and Health.

(2) For purposes of this subdivision, "adult film" means any commercial film, video, multimedia, or other recorded or live representation, including live streaming media, ~~made or distributed for financial gain during~~ the production of which performers actually engage in sexual intercourse, including oral, vaginal, or anal penetration.

~~(b) Nothing in this section shall be construed to limit or impede any privacy rights or reporting requirements as provided under Division 105 of the Health and Safety Code.~~

(b) The Occupational Safety and Health Standards Board shall adopt a regulation as proposed by the Division for control measures for sexually transmitted infections, including training, and medical services including post-exposure evaluation for bloodborne and non-bloodborne sexually transmitted infections.