

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: HB-6540

AN ACT CONCERNING THE PREVENTION OF THE HUMAN

Title: IMMUNODEFICIENCY VIRUS.

Vote Date: 3/1/2019

Vote Action: Vote to Draft

PH Date: 2/25/2019

File No.:

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

SPONSORS OF BILL:

Public Health Committee

REASONS FOR BILL:

To allow for pre-exposure prophylaxis treatment (PrEP) of minors who are at high risk for HIV contraction without parental consent. Currently, minors who are HIV positive can be treated without parental consent under specific conditions. The conditions state that a physician or Advanced Practice Registered Nurse may provide treatment to minors if they determine that notifying the parents would result in denial of treatment, if the minor requests that the parents are not notified, and if the minor decides not to seek treatment if the parents are notified. HB 6540 would extend these conditions for allowing PrEP without parental consent. The bill also specifies that these conditions and parental consent exemptions do not apply to vaccines.

RESPONSE FROM ADMINISTRATION/AGENCY:

Connecticut Department of Public Health (DPH):

DPH supports the bill. The Food and Drug Administration (FDA) has approved Truvada since 2012. Truvada is a medication used as a pre-exposure prophylaxis treatment for adults and adolescents who are HIV negative but are at high risk of HIV infection. This bill is especially important because currently young people are impacted the most by HIV infections. This has been the trend both nationally and in Connecticut. In fact, from 2013 to 2017, 266 individuals in Connecticut aged 13-24 were newly diagnosed with HIV, despite the decline of new HIV infections for individuals 30 years of age and over. Reasons for the rise of HIV infections in young people include fear of judgment or reprimand. This is especially the case for youth who

identify as gay, lesbian, bisexual, transgender or gender non-conforming and may not want to disclose their sexuality.

The implementation of this bill would result not only in the prevention of HIV for the individual participating in the treatment, but also their future sexual partners. While there have been strides in treatment, HIV remains incurable. The bill would assist in reducing expenditures related to the infection as prevention is more cost-effective than treatment.

Representative Jeff Currey, 11 Assembly District, Connecticut General Assembly:

Rep. Currey supports HB 6540. The bill recognizes that the requirement of parental consent for minors to receive PrEP creates a harmful obstacle, especially for gay youth as the gay community is at risk of homelessness if they disclose their sexuality to their parents. According to the Center for Children's Advocacy, gay men between the ages of 13 and 24 are at most-risk of contracting HIV. Knowing this and yet still requiring parental consent for preventative life-saving medication forces gay youth to choose between their right to privacy and their right to medical treatment. Another statistic from the Center for Children states that 52% of young gay men have undiagnosed HIV, which implies that current Connecticut statutes regarding this issue drive these men away from rather than towards treatment. Connecticut laws must place an emphasis on respecting individual privacy.

Representative Raghiv Allie-Brennan, 2 Assembly District, Connecticut General Assembly:

Rep. Allie-Brennan supports the bill. HIV disproportionately impacts LGBTQ people and people of color, and therefore Connecticut's current laws are discriminatory towards those who contract the infection. HIV is surrounded by stigma which causes young people not to seek treatment and is often the reason for 22% of newly diagnosed HIV infections seen in youth of ages between 13 and 24. Connecticut needs to amend the statutes so young people no longer struggle to receive the help they require.

Toni Harp, Mayor, City of New Haven:

The New Haven LGBTQ Youth Task Force under the Office of the Mayor of New Haven supports HB 6540. The Task Force states that considering Truvada's power for HIV prevention, it is imperative that all youth have access to PrEP treatment. Young people who are in the process of understanding their sexual orientation and gender identity would also benefit from PrEP since this is often a main obstacle to seeking treatment. This obstacle contributes to newly diagnosed HIV infections and could result in a lifetime of antiretroviral medications. Excluding the requirements of parental consent from Connecticut's statutes is essential to this issue.

NATURE AND SOURCES OF SUPPORT:

Alice Rosenthal, Senior Staff Attorney, Center for Children's Advocacy (CCA):

CCA supports the bill. Current Connecticut statutes allow minors who have been infected with HIV to receive treatment without parental consent but they do not allow preventative

treatments of HIV without parental consent. This bill would grant minors this ability. HB 6540 is the result of years of collaborative work by physicians, medical providers, public health experts, health officials and HIV and AIDS front liners. Connecticut is progressive in understanding the nature of adolescent sexual health. Throughout the years, minors have gained access to reproductive health, sexually transmitted disease (STD) diagnoses and treatment, mental health treatment and substance abuse treatment. Allowing them preventative treatment for HIV would be consistent with other Connecticut sexual health statutes regarding minors.

The prevention of HIV not only assists in maintaining a healthier state, but it also assists in lowering state expenditures. In the United States, each year approximately \$16 billion is accounted for HIV healthcare costs. For each individual infected, lifetime treatment is approximated to cost \$367,000 whereas PrEP monthly treatments are approximately \$1,300 and \$1,600. With nearly 20 million newly diagnosed HIV cases each year, passing this bill will help Connecticut and the United States.

Karen Siegel, MPH, Connecticut Voices for Children:

Connecticut Voices for Children supports the bill. Currently in Connecticut children 12 years of age and older can receive STD treatments without parental consent therefore passing this bill would be consistent with existing laws. HB 6540 is especially important because minors may not be comfortable disclosing their sexual orientation to their parents, and for homeless minors or those in foster care this barrier may be completely unattainable.

Shawn Lang, Deputy Director, AIDS CT:

Mr. Lang supports the bill. As a longtime advocate for those suffering from the infliction of AIDS, Mr. Lang helped found the Middlesex County AIDS Buddy Network. He gives a background of the beginning of the HIV/AIDS epidemic when the primary prevention was condoms and being infected meant a death sentence.

Connecticut has consistently addressed the needs of those suffering from AIDS. When needle injection was the main cause of HIV, Connecticut passed legislation in 1991 to begin syringe service programs. From 2002 to 2017, the rate of HIV infections caused by syringes dropped by 32%. In contrast, the rate of HIV infections from 2002 to 2017 for gay and bisexual men increased by nearly 31%, with 43% of them being Black and Latino. Connecticut can once again address these needs by passing HB 6540. Today there are many preventative measures to address HIV, including Truvada, a one a day pill that reduces risks of infection by 92% to 99%. Allowing minors access to this medication without parental consent may help them prevent a potentially deadly disease.

Gretchen Raffa, Director, Public Policy, Advocacy and Strategic Engagement, Planned Parenthood of Southern New England:

Planned Parenthood supports the bill because young people should not have to wait until they have contracted HIV to gain access to treatment. Access to health care is a basic human right, and we will not achieve reproductive freedom in the United States until we have full control over our bodies. Currently, Connecticut allows minors access to treatment without parental consent but it does not allow them to receive PrEP in order to prevent HIV infection.

Truvada is an HIV preventative oral medication that reduces the risk of infection by as much as 99%, whereas treatment for HIV once contracted is complex, expensive and life-long. There are more than 10,000 individuals in Connecticut who live with this infection, the majority of whom are gay and bisexual men and black women. Stigma, homophobia and parental rejection remain an obstacle to seeking testing and treatment for HIV. Passing this bill would prevent vulnerable youth from having to struggle for a lifetime.

Bennett Klein, Senior Attorney, AIDS Law Project Director, GLBTQ Legal Advocates and Defenders (GLAD):

GLAD supports the bill because it can help youth avoid the contraction of an incurable and life-altering infection. There are stark racial disparities in PrEP utilization. Mr. Klein references a report by the Department of Public Health which states that from 2014 to 2016, 11.2% of PrEP users were Black individuals, 68.7% were White, 13.1% were Hispanic, and 4.5% were Asian. The disparity in utilization is even more concerning as statistics show that in 2014 Black men were 8 times more likely to be infected by HIV than White men, and accounted for 43% of new diagnoses. This bill will remove barriers and ensure that all individuals at risk, whether or not they can provide parental consent, have access to the transformative abilities of Truvada.

Additional sources of support include:

Anchor Health Initiative
Clarice Begemann, APRN, FNP-BC, MSN, MBA
Alyssa Bennett, MD
John Board, President, New Britain Pride
Nicholas Boshnack, MSW
Patrick Comerford
Daniel Davidson, MPH, MSW
June Walker Holmes, LCSW
Byron Kennedy, Health Director, City of New Haven
Robin McHaelen, MSW
Elaine O'Keefe
Jim Pettinelli, Executive Director, Liberty Community Services
Jesus Morales Sanchez
Sheela Sheno, Physician
Samuel Smith
Gary Spinner, PA, MPH, AAHIVS
Kailey Townsend
Michael Virata, MD, FACP
Fair Haven Community Health Care
Meredith Williams, MD
Stacey Wyner, MSN, FNP, APRN
Kelly Wuzzardo, Committee Chair, New Haven LGBTQ youth Task Force
New Haven LGBTQ Youth Task Force
Community Health Center Association of Connecticut
Connecticut American College of Obstetricians and Gynecologists

NATURE AND SOURCES OF OPPOSITION:

Diana Bump:

Ms. Bump opposes the bill because she considers it a violation of parental rights. She states that the side effects of Truvada include kidney failure, liver failure and lactic acidosis and questions who would have liability should a minor experience these side effects. Between 2013 and 2017, on average there were only 13 new diagnoses of HPV infections in Connecticut for ages 18, 19 and 20. This bill would allow healthcare workers to treat a minor prior to them being diagnosed. Ms. Bump believes that preventative treatment of minors that may involve risks must involve parents as they have their children's best interest in mind. Additionally, HB 6540 does not address how a healthcare worker would approach a minor with special needs and states that it would be unethical if such a minor is provided treatment without parental consent.

Jennifer K.:

Ms. K opposes the bill. Her opposition stems from her experience with her children who have immune encephalitis and the genetic mutation methylenetetrahydrofolate (MTHFR). Ms. K's additional reasons for opposing the bill state that HIV is not a public threat and that sex education is more appropriate. She also states that HPV and other STDs are treatable and that vaccines are not 100% effective and lose their efficacy within six years. The enactment of this bill will give teens a false sense of security which may result in unprotected sex and consequently increase teen pregnancy. HB 6540 would violate Ms. K's first amendment rights because it would take away religious exemptions and parental consent for vaccines.

Stephen Kozek:

Mr. Kozek opposes the bill. He does not consent to the government vaccinating his children because the risks outweigh the benefits. Mr. Kozek states that HB 6540 will lead to promiscuous sex among minors and will result in unintended teen pregnancies. He also believes that mandating vaccines will take away his parental and first amendment rights.

Reported by: Valentina Mehmeti

Date: 3/20/19