

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representatives McCoy and Gilbert**

H.C.R.

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7 **HOUSE CONCURRENT RESOLUTION**

8 EXPRESSING OPPOSITION TO THE PROPOSAL OF THE U.S.
9 DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REMOVE HIV
10 INFECTION FROM THE LIST OF COMMUNICABLE DISEASES OF
11 "PUBLIC HEALTH SIGNIFICANCE" FOR PURPOSES OF THE
12 IMMIGRATION LAW AND URGING THE U.S. DEPARTMENT OF HEALTH
13 AND HUMAN SERVICES TO MAINTAIN THE CURRENT POLICY OF
14 TESTING ALL IMMIGRANTS FOR HIV INFECTION AND EXCLUDING
15 THOSE WHO ARE INFECTED FROM SETTLING PERMANENTLY IN THE
16 UNITED STATES.

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18 WHEREAS, the epidemic of HIV infection in America has claimed over
19 100,000 lives and continues to spread, especially in our largest cities; and
20 WHEREAS, in 1990, the U.S. Congress, in response to this public health
21 crisis, took the extraordinary step of enacting a program to provide state and
22 local governments with emergency federal assistance to educate, counsel, and
23 treat those who are infected with, or at risk for, HIV; and

24 WHEREAS, studies indicate the HIV-infected individuals require, on the
25 average, up to \$200,000 in health care resources to treat the complications
26 associated with Acquired Immune Deficiency Syndrome; and

27 WHEREAS, studies further indicate that as many as ninety percent of HIV-
28 infected persons do not know that they are infected with the potentially fatal
29 virus, and therefore have no reason to modify their behavior to prevent its
30 transmission to others; and

31 WHEREAS, immigrants have historically undergone a health assessment
32 before admission into the United States and since 1987 that assessment has
33 included mandatory screening for the Human Immunodeficiency Virus; and

34 WHEREAS, current law requires that all prospective immigrants who are
35 infected with the Human Immunodeficiency Virus be excluded from settling

1 permanently in the United States; and

2 WHEREAS, medical organizations, such as the American Medical
3 Association, agree that all prospective immigrants should be tested for HIV
4 infection and those who are HIV-seropositive should be prohibited from
5 immigrating to the United States; and

6 WHEREAS, the Department of Health and Human Services has proposed
7 removing HIV infection from the list of excludable diseases for purposes of
8 immigration to the United States; and

9 WHEREAS, in light of (1) the aforementioned crisis in our nation's
10 public health care system, (2) the certainty that HIV-infected individuals
11 will consume significant health care resources, (3) the likelihood that the
12 vast majority of HIV-infected immigrants do not know their HIV serostatus, and
13 (4) the historical function of immigration officials in screening prospective
14 immigrants for communicable diseases of public health significance,

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16 NOW THEREFORE,

17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-EIGHTH GENERAL
18 ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

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20 The General Assembly of the State of Arkansas hereby expresses
21 opposition to the proposal by the Department of Health and Human Services to
22 remove HIV infection from the list of communicable diseases of "public health
23 significance" for purposes of immigration law and urges the Department to
24 maintain the current policy of testing all immigrants for HIV infection and
25 excluding those who are infected from settling permanently in the United
26 States.

27 BE IT FURTHER RESOLVED that upon adoption of this resolution, a copy
28 hereof shall be transmitted to the appropriate officials of the U.S.
29 Department of Health and Human Services.

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