

Thomson Reuters Law for the Layperson

AIDS LAW

Third Edition

Margaret C. Jasper

Legal Almanac Series

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AIDS LAW

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by
Margaret C. Jasper

Legal Almanac Series:
Thomson Reuters' Law for the Layperson

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To My Husband Chris

**Your love and support
are my motivation and inspiration**

To My Sons, Michael, Nick and Chris

-and-

In memory of my son, Jimmy

ABOUT THE AUTHOR

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Ms. Jasper is the author and general editor of the following legal Almanacs:

AIDS Law

The Americans with Disabilities Act

Animal Rights Law

Auto Leasing

Bankruptcy Law for the Individual Debtor

Banks and their Customers
Becoming a Citizen
Buying and Selling Your Home
Commercial Law
Consumer Rights and the Law
Co-ops and Condominiums: Your Rights and Obligations As Owner
Copyright Law
Credit Cards and the Law
Custodial Rights
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DWI, DUI and the Law
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Health Care and Your Rights
Health Care Directives
Hiring Household Help and Contractors: Your Rights and Obligations Under the Law
Home Mortgage Law Primer
Hospital Liability Law
How To Change Your Name
How To Form an LLC
How To Protect Your Challenged Child

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Nursing Home Negligence

Patent Law

Pet Law

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Prescription Drugs

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Real Estate Law for the Homeowner and Broker

Religion and the Law

Retirement Planning

The Right to Die

Rights of Single Parents

Small Claims Court

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Special Education Law

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Victim's Rights Law

Violence Against Women

Welfare: Your Rights and the Law

What if It Happened to You: Violent Crimes and Victims' Rights

What if the Product Doesn't Work: Warranties & Guarantees

Workers' Compensation Law

Your Child's Legal Rights: An Overview

Your Rights in a Class Action Suit

Your Rights as a Tenant

Your Rights Under the Family and Medical Leave Act

You've Been Fired: Your Rights and Remedies

INTRODUCTION

This legal Almanac explores the area of law concerning Acquired Immune Deficiency Syndrome, a disease commonly known as AIDS, and the underlying virus (HIV) that causes AIDS. Ever since the appearance of AIDS in the United States in the early 1980s, the medical and political communities have been trying to develop a public policy that will protect the spread of this disease, while at the same time safeguard the afflicted individual's rights and liberties. This has been a difficult task, particularly given the devastating nature of the disease, and the rampant fear that has seized this nation.

This Almanac discusses the background and history of the disease, and current statistical information. Although the Almanac is not designed to be a medical treatise on the subject, it gives an overview of the medical aspects of HIV/AIDS, HIV testing options, and some of the common treatments being utilized to treat the disease. Controversial issues such as mandatory testing, name reporting and partnership notification are explored, as well as the criminal aspect of HIV transmission.

AIDS sufferers became the newest group to face all types of discrimination involving such important areas as employment, health care, education and housing. Advocates have been able to get critical legislation passed to combat this widespread intolerance, as more fully set forth in this Almanac. A discussion of the individual's legal rights in areas such as employment, education, health care, and insurance are also considered, as well as AIDS-related legislation.

Finally, the Almanac explores the rights of HIV/AIDS victims in the United States military and correctional settings.

The Appendix provides directories of organizations concerned with the rights of AIDS victims, applicable statutes, and other pertinent information and data. The Glossary contains definitions of many of the terms used throughout the Almanac.

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CHAPTER 1:

HISTORICAL PERSPECTIVE

EARLY HISTORY—THE 1970s

AIDS is believed to have first surfaced in the mid-1970s in Central Africa. One of its earliest known victims was Dr. Grethe Rask, a surgeon who had worked in Zaire hospitals. Dr. Rask died in her native Denmark in 1977 from what doctors were calling a “mystery disease” that appeared to attack the immune system and cause a reduction in the number of disease fighting “T Cells” in the blood.

Dr. Rask’s symptoms included weight loss, severe diarrhea, swollen lymph glands, fatigue, oral yeast infections, and breathing difficulties. She ultimately died of a rare form of pneumonia, known as *pneumocystis carinii*, which her immune system was unable to combat.

EMERGENCE OF AIDS IN THE UNITED STATES—THE 1980s

In 1980, similar symptoms began appearing in New York’s homosexual community. Another seemingly related affliction, Kaposi’s Sarcoma, was also noted to occur. Kaposi’s Sarcoma is a rare form of skin cancer characterized by blue-violet to brownish lesions on various parts of the body.

The New York victims also suffered from a tremendous drop in their T-Cell count, which made them unable to fight off infections. These first known victims all died by the end of 1980, several of whom succumbed to *pneumocystis carinii* as did Dr. Rask.

In the following years, new cases of this “mystery disease” appeared in areas of the country with notably large homosexual communities. For this reason, it was mainly viewed as a “gay disease” until the symptoms began appearing in other groups, such as intravenous drug users and their children, Haitian immigrants and hemophiliacs.