AIDS Law

Prior consent now an issue for PWAs

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Illinois: A 1989 Illinois law makes it a felony fo a person with HIV to engage in intimate contact with others without their prior consent. Ruling on two cases that were consolidated on the issue of the statute's constitutionality, the Illinois Supreme Court upheld it. Michael L. Closen and Gregg W. Bonelli, lawyers seeking to strike the statute, have asked the U.S. Supreme Court to review the Illinois high court's decision, claiming that the statue violates the 1st and 14th amendments to the Constitution. The chances of being granted review are believed to be very low. According to the lawyers, the Supreme Court has not granted review to any AIDS case throughout the 13-year pandemic.

Ohio: Apparently Dr. Charles Hull has never heard of the Americans with Disabilities Act (ADA). Perhaps the $512,000 award imposed against him and Freemont, Ohio, Memorial Hospital by a Toledo jury will help Hull to recall his Hippocratic oath. Dr. Hull refused to admit Fred Charon to the hospital because Charon was HIV positive. According to the American Civil Liberties Union, Charon was suffering an allergic reaction unrelated to his HIV status; yet Hull said that "once you get an AIDS patient into the hospital, you will never get him out." The ADA is a federal law designed to protect people with AIDS and other disabilities from being discriminated against. Although damages were awarded under two older anti-discrimination laws, this case is believed to be the first to consider AIDS-based discrimination under the ADA at a full trial.

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