

HIV and the Law
Professor Leslie Wolf
Spring 2009
Wednesdays, 10:30 am-12:10 pm

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Course Description and Syllabus

This class examines the social, legal, political, and ethical controversies surrounding the HIV/AIDS pandemic. The class will consider the impact of the epidemic on the individual, public health, and society through the laws and policies that have been adopted since the beginning of the epidemic. Topics that will be covered in the course include HIV testing and reporting policies, access to treatment, confidentiality, discrimination against HIV-infected individuals, civil and criminal liability for HIV exposure, and public health surveillance. The course will cover both domestic and international policies regarding HIV/AIDS.

ATTENDANCE POLICY:

You will be a member of a learning community that depends upon each member to be fully prepared. Accordingly, I will take attendance and participation into consideration in determining your final grade. All absences must be excused by contacting the professor in advance.

METHOD OF EVALUATION: Your final grade will be determined based the following factors

Final Exam - 80% of Final Grade

Class Participation- 20% of Final Grade:

Standard weekly preparation includes the baseline assumption that students will have read the assigned materials and will be prepared to participate accordingly.

OFFICE HOURS: Mondays and Wednesdays 1:30-2:30, and by appointment

READINGS:

The following is the preliminary syllabus, which may be subject to minor changes during the course of the semester. Unless otherwise noted, readings will be from the assigned text, *AIDS Cases and Materials* (Adams, et al). All readings outside the assigned text are available electronically through Lexis, Westlaw, electronic journals available through the library, or the URL listed in the syllabus. You are expected to obtain these readings in

advance of class and come prepared to discuss them.

January 7: Introduction, *AIDS Cases and Materials*, Chap. 2, pp. 31-39, James W. Curran, *Reflections on AIDS, 1981-2031*, Am. J. Prev. Med., 2003:24(3): 281-284.

January 14: Public Health Law (Public health powers and HIV Testing), *AIDS Cases and Materials*, Chap. 4, pp. 87-99, 115-120, Lawrence O. Gostin, *HIV Screening in Health Care Settings: Public Health and Civil Liberties in Conflict?*, JAMA, 2006: 296(16): 2023-2025.

January 21: Public Health Law: Limitations to public health powers, *AIDS Cases and Materials*, Chap. 4, pp. 99-114, O.C.G.A. § 24-9-47 (2007)

January 28: Public Health Law (HIV and the Blood Supply), Adam R. Pulver, *Gay Blood Revisionism: A Critical Analysis of Advocacy and the 'Gay Blood Ban.'* 17 Law. & Sex. 107 (2008).

February 4: Medical Issues: *AIDS Cases and Materials*, Chap. 2, pp. 39-50, O.C.G.A. § 31-32-1 – 31-32-14 (2007), excerpt from *Tarasoff v. Regents of Univ. of Cal.* 17 Cal. 3d. 425 (1976) [I will send], O.C.G.A. § 24-9-47 (2007)

February 11: Discrimination: *AIDS Cases and Materials*, Chap. 3, pp. 51-86

February 18: Family Law, *AIDS Cases and Materials*, Chap. 6, pp. 167-203

February 25: Estate Planning: *AIDS Cases and Materials*, Chap. 7, p. 205-227

March 4: **Spring Break; No Class**

March 11: Insurance: *AIDS Cases and Materials*, Chap. 5, pp. 121-165

March 18: Public Funding HIV/AIDS Treatment, Jennifer Kates for the Henry J. Kaiser Family Foundation, *Financing HIV/AIDS Care: A Quilt with Many Holes*, available at <http://www.kff.org/hivaids/upload/Financing-HIV-AIDS-Care-A-Quilt-with-Many-Holes.pdf>

March 25: Tort Law, *AIDS Cases and Materials*, Chap. 8, pp. 229-260

April 1: Criminal Law, *AIDS Cases and Materials*, Chap. 9 (pp. 261-277), O.C.G.A. § 16-5-60 (2007), and California Health & Safety Code § 120291 (2007).

April 8: International Law, *AIDS Cases and Materials*, Chap. 279-315

April 15: HIV Research, TBD