Bill as Introduced

HJR 20 - AS INTRODUCED

2000 SESSION

00-2148
01/09

HOUSE JOINT RESOLUTION ***20***

A RESOLUTION urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims.

SPONSORS: Rep. Konys, Hills 33; Rep. Buckley, Hills 44; Rep. Pilliod, Belk 3; Rep. Lozeau, Hills 30; Rep. Clegg, Hills 23; Sen. Pignatelli, Dist 13; Sen. Trombly, Dist 7; Sen. Squires, Dist 12; Sen. Brown, Dist 17

COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This house joint resolution urges the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act of 1998 for persons who contracted the human immunodeficiency virus due to contaminated blood products.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

A RESOLUTION urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims.

Whereas, Congress passed the Ricky Ray Hemophilia Relief Fund Act of 1998; and

Whereas, the Ricky Ray Hemophilia Relief Fund Act was passed to provide for compassionate payments to individuals with blood-clotting disorders, such as hemophilia, who contracted the human immunodeficiency virus due to contaminated blood products; and

Whereas, in its review of the events surrounding the HIV infection of thousands of people with blood-clotting disorders, such as hemophilia, a 1995 study, entitled "HIV and the Blood Supply", of the Institute of Medicine found a failure of leadership and an inadequate institutional decision-making process in the system responsible for ensuring blood safety, concluding that a failure of leadership led to less than effective donor screening, weak regulatory actions and insufficient communication to patients about the risk of AIDS; and

Whereas, this legislation, named after a teen-age hemophiliac who died from AIDS, was enacted to provide financial relief to the families of hemophiliacs who were devastated by the federal government's policy failure in its handling of the AIDS epidemic; and

Whereas, now that the relief bill has been signed into law by the President, Congress has been reticent to fund it; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the New Hampshire general court hereby urges Congress to fully fund the Ricky Ray Hemophilia Relief Fund, enacted into law under the Ricky Ray Hemophilia Relief Fund Act of 1998, in 1999 so that there is no delay between the authorization and timely appropriation of this relief; and

That copies of this resolution signed by the governor, the speaker of the house of representatives, and the president of the senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the President of the United States, and to each member of the New Hampshire congressional delegation.

Committee Minutes

Date: May 9, 2000
Time: 1:00 PM
Room: LOB 102

The Senate Committee on Public Institutions/Health Human Services held a hearing on the following:

HJR 20 urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims.

Members of Committee present:
Senator Squires
Senator Wheeler
Senator Fernald
Senator Krueger
Senator McCarley
Senator Pignatelli

The Chair, Senator James Squires, opened the hearing.

Representative Christine Konys, Hills. D. 33: Thank you Senator. Good afternoon. I am Representative Christine Konys, Hillsborough District 33 representing Ward 8 in Nashua. I am here to speak very briefly on this bill because there are people here that can address this bill far better than I with much more compelling stories. I'm really here just to introduce their stories and tell you a little bit about why I brought this bill forward.

During the 1980's there were 10,000 hemophiliacs that were poisoned with HIV through the use Factor VIII Concentrate. It's a FDA approved plasma product. It's used to control bleeding in hemophiliacs. Because the drug companies didn't warn them about the dangers of the medicine there were a lot of people who not only contracted HIV but passed it on to their families and to the lives of their children. There are 7,500 hemophiliacs so far that have died as a result of this tainted blood.

There was a great deal of lobbying by the families, the survivors and those that have been affected speaking to Congress about the fact that the FDA should have put out information prior to that time and would have saved a lot of lives. Congress, finally, in 1998 passed the Ricky Ray Hemophilia

Relief Fund Act. It was named after a teenage boy who died as a result of getting the tainted medicine.

The legislation would have provided financial relief to the families affected and you can just imagine what the cost would be of having someone die of AIDS, die because they're HIV positive and have several family members in some cases. Many of these families were severely affected.

The legislation passed and was signed into law and funds were never appropriated. There was supposed to be $100,000 to each of the families that were affected. In this past year and one of the reasons I brought this up this presidential election year is to try and bring some attention to this matter. In this budget that was passed President Clinton attempted to put in more money than was actually passed although it was still willfully short of the funds that had been appropriated by Congress. There is $65 million currently in the fund and 6,000 people who have claims. So this obviously has not been – the funds have not been appropriated correctly.

I think we're all familiar with cases where Congress passes something then doesn't appropriate funding for that. We know that from special education but this is something that is absolutely devastating to the families, to the people who are still dying of AIDS and to people who possibly have their spouses die without knowing how their families would ever survive.

So my idea was to get this before Congress as a House Joint Resolution and to be the first state although some of the people that are going to speak with you, I guess we kind of started a steamroller here and we've got a lot of action going in other states as well to try and get some justice for these families.

So this is my reason for bringing the bill forward. I hope you will listen to the people who have come here to speak with you in much more detail about the (inaudible) and what they have done to lobby and what's being done currently to try to get this funded.

Senator James W. Squires, D. 12: Any questions? Yes.

Senator Katherine W. Wheeler, D. 21: I have a question. Thank you Mr. Chairman. Representative Konys, when the initial act was passed and you said there was a certain figure that was going to go to each family. How much was that?

Representative Konys: $100,000 per family.

Senator Katherine W. Wheeler, D. 21: Was that part of the legislation that Congress passed?

Representative Konys: It was.

Senator Katherine W. Wheeler, D. 21: That never happened?

Representative Konys: It was never funded. No.

Senator Katherine W. Wheeler, D. 21: Thank you.

Senator James W. Squires, D. 12: Thank you very much. Representative Donnalee Lozeau.

Representative Donnalee Lozeau, Hills. D. 30: Thank you Mr. Chairman. Members of the Committee. My name is Donnalee Lozeau. I represent Hillsborough District 30, which is in Nashua. I co-sponsored this bill for many of the same reasons that that Representative Konys just laid out for you and for reasons that you're going to hear from some of the families that are here to speak today.

The point that I wanted to make which is one that you already know without me telling you is that I think it's critical when government tells people that it's going to do something, it's incumbent upon us to make sure we follow through. New Hampshire has a pretty long-standing tradition of once you're told something we follow through. Our truth in sentencing laws and many other things show you that when we make a decision our people can expect follow through on that.

I think it's unconscionable that Congress is talking about having surplus accounts when they're not funding the obligations that they have already committed to. Somebody said to me, "Oh that's like special education." I said, "No. That's worse than special education." Special education becomes the state's responsibility. This is something that happened to people through no fault of their own. That's the government's responsibility. The people that pay for it are the families. Not the state government because of not having follow through from the Feds. I think therein lies a critical difference.

I like that New Hampshire is the first state that's coming out and asking that Congress rethink this and that's why I sponsored the bill.

Senator James W. Squires, D. 12: Senator Pignatelli.

Senator Debora B. Pignatelli, D. 13: What is the total amount of money that should have been sent back to the families?

Representative Lozeau: Well, math is not my strongest suit but my understanding is there are 6 million people that this affected and at $100,000 per family. I am told it's $750 million.

Senator Debora B. Pignatelli, D. 13: Thank you.

Senator James W. Squires, D. 12: Mrs. MacKay.

Kathy Seward MacKay, Nashua: Thank you. My name is Kathy Seward MacKay. I'm from Nashua and I'd just like to start off by thanking Representative Konys for understanding the importance of this bill.

I lost my husband 3 years ago. He was a hemophiliac and he was obviously infected with the virus of HIV and other viruses as well from his clotting factor. I'm just going to give you – go into a little more detail about what happened just so you can understand why we're asking the government for the money. I would like to preface that with I tried to get more. I talked to several hemophiliacs throughout the state and I really tried to get other people to come here to testify but a lot of people, unfortunately, are living in the closet and don't want to go public for fear of losing jobs and discrimination issues. So, anyway, I'm here to represent them.

Specifically what happened with the blood supply in the early 80's was that blood banks were collecting plasma from high-risk groups. State prisons, low income neighborhoods and 3rd world countries. They knew it was highly infective with Hepatitis but they chose to use the plasma anyway despite the fact that Hepatitis is a killer.

There were warning signs as early as 1981 and 1982 that the blood supply was infected with HIV but the proof didn't come until 1984. Drug companies and the blood banks didn't do anything about it until they had absolute scientific proof even though as early as 1981 and definitely by 1982 hemophiliacs were becoming sick with AIDS exponentially.

So, they continued to use this plasma until 1984 or to collect this way until 1984. When AIDS was finally isolated and proven to be blood borne they had to stop this practice and a test came out and they started screening. Well, unfortunately what happened at this point is the FDA never told the drug companies to throw away the already collected plasma. They continued to market it as late as 1987 and I was a little bit in shock when I looked at my husband's medical records right after he died and I realized that he was

infected with HIV in 1986. So it shouldn't have happened. It just shouldn't have happened. The Institute of Medicine which is part of the National Academy of Science did an independent report back in 1994 and this report determined that up to 75% of the affected hemophiliac infections could have been prevented had the FDA and the drug companies heeded the warnings of experts out in the field that AIDS was blood borne. So this really was a tragedy that could have been prevented.

So, that's sort of an overview. One of the things – I mean I'm a widow and my husband is very typical in that he couldn't get life insurance because he was HIV positive and I was really left with very little. As a matter of fact, we had a lot of debt when he died. Because of his health he was able to – he was a special education teacher and he worked pretty much up to the end but he wasn't able to work during the summer to do extra work. For his own health he just couldn't work too hard. Financially it's been very difficult. I usually don't like talking about my financial situation. I like to talk about what I've seen around the Country but I'm looking at the end of the well right now and I'm getting low and this money could really help some of the financial struggles. There's other struggles. I'm raising two children by myself and it's just difficult.

I've been traveling around the Country. I'm a photographer and I decided after my husband died that I had to – because nobody was paying attention to this. It was like I think people just don't want to hear this story because it's hard to hear that the government failed in such a way that could effect so many lives this tragically. So, I've been traveling around the Country documenting this whole blood supply crisis and photographing hemophiliacs that are living with HIV and AIDS or their surviving family members. I do have some photos that I'll pass around because it just gives a broader picture of what's going on out there. I don't like to get up here and talk about myself.

I'll first pass around a picture of a woman whose – she had the gumption to photograph her husband right after he died. She was very upset and you could just see the pain. Then these are just other shots of people living – the men living with the diseases. You can see the stress. There's even a woman in here that was infected by her husband because she wasn't warned and she was infected and he died. Now she's dying. I've seen a lot of women die too.

As I fear this has been emotionally and financially devastating to families and as I travel around the number one gripe I hear from people is why doesn't the government care? Why did it take 6 years to pass this bill? Why can't they just acknowledge that they made a mistake and compensate us? At least that would help to give us some kind of closure, some kind of

realizing that they are accepting some sort of accountability. That's really important in the healing process to all of these families.

There are people out there living in isolation with the fear of public because – I met a young man, 33-year-old man who had to move twice. He's had death threats because he lives in Kentucky and people just don't accept him. He's basically living by himself. No money. Men are on disability. It's just – I don't know how many times I can keep repeating the same thing.

Basically that's all I have to say. But the photographs I hope will show the pain and really tell the story of 20 years later how families – what's going on with this. It's 20 years later and people are still suffering. We haven't had an apology and we haven't had our government compensate us and other governments have. I'm not sure of the number but there have been at least 23 other governments that have compensated their hemophiliac victims. I do believe that was all the products that came from the United States.

Senator Debora B. Pignatelli, D. 13: Kathy, these pictures are really touching. People are alive today even though they were infected with AIDS because the drugs that we have are better now?

Ms. MacKay: I believe – I'm not an expert but I believe that the (inaudible) inhibitors have really helped to keep people alive longer. So, yes, in that respect there are a lot of people that have been hanging on because of the newer drugs.

Senator Debora B. Pignatelli, D. 13: Just one other question. The $100,000, would that be going to the families and people who are surviving to help them?

Ms. MacKay: It would immediately go to the person infected. If he or she has died it would go to their spouse or to the parents. So, some families – I've met families that I've – some families have lost - there's a mother in Iowa who lost 6 sons, a daughter-in-law and a baby. I've also met a woman who her whole family – lost 15. It's really devastating.

Senator Katherine W. Wheeler, D. 21: It's hard for to think that $100,000 is enough considering what we're giving in tobacco settlements to people.

Ms. MacKay: It's not. We agree. It's really not enough but the way I look at it from a financial point of view is it's just buying some time to figure out how to get on with it.

Senator Katherine W. Wheeler, D. 21: Was the $100,000 set in the law? Is that what it is? If any one's to get any money that's what it'll be?

Ms MacKay: Well...

Senator Katherine W. Wheeler, D. 21: Not more.

Ms. MacKay: Not under the law. I agree.

Senator Patricia Krueger, D. 16: Thank you for your testimony. My question to you is does and I'm not familiar with this, does the Hemophiliac Association exist? Is there a national association that lobbies Congress?

Ms. MacKay: We've been lobbying Congress and Terry and I have been on Capital Hill several times throughout the last several years speaking with legislators and the Nation Hemophilia Foundation has done lobbying. There's – John represents the Committee of Ten Thousand and they've done plenty of lobbying. The Administration. We've had White House support. Nothing seems to be happening.

Senator Patricia Krueger, D. 16: As part of government, I feel we all owe you an apology.

Ms. MacKay: Thank you.

Senator Debora B. Pignatelli, D. 13: I'm trying to figure out what could a possible reason be for them not to fund something that they've already passed and they have already agreed needs to be funded and it seems to me the time to fund it is when families are still having living relatives and this money could help.

Ms. MacKay: Right. As that one photograph says, Pass Ricky Ray now. I'm alive now. You want my opinion as to why it's not being funded? My – I should be careful with this but I'll say it anyway. I don't mean to offend anyone here but my opinion is that there's not enough public pressure for Congress to fund it so they can just get away with not funding. They're not going to lose any votes because they're not funding it. I hope I'm not offending anybody by saying that. It's the only thing I can think of. They just don't have enough pressure. Maybe they fear losing money from the pharmaceutical companies. Maybe they fear angering them and lose their campaign contributions.

Senator Debora B. Pignatelli, D. 13: The pharmaceutical companies are not in charge – they're not responsible for funding this.

Ms. MacKay: No. They're separate. There has been litigation against the pharmaceutical companies but unfortunately the difficulty for the families is that back in the early – back around the 70's when Factor VIII Concentrate first came on the market it did have Hepatitis in it. A the time that was deemed – even though there later on were ways to get rid of the Hepatitis by heat treating which is what they do now they decided that it wasn't really cost-effective. The amount of people that were killed with Hepatitis was an acceptable risk. So – but the drug companies had the foresight to do was go around to each state individually and I think it was 48 states passed drug shield laws that exempt them from liability of their product.

So, while there has been litigation it's been difficult. I don't think there's been many cases. There's been a few but....

Senator James W. Squires, D. 12: Thank you Kathy. Terry MacNeill.

Terry MacNeill, Dracut, Massachusetts: Hi. My name is Terry MacNeill and I'll just tell you a little bit about my story like Kathy did with hers. I have two sons. I have one deceased and one still living. One would have been 27 this year and the other one is 28 and still living at home. This is how young they were when they got this hemophilia, HIV, Hepatitis C and B.

I want to tell you from the questions that it's so interesting from the questions that I hear. I want to tell you a little bit about the law but then I want to tell you a little bit about what you've been asking.

The law is 6 years of authorization. We lobbied 6 years to authorize it. November 12, 1998 it was passed. It's a $750 million law that would pay $100,000 to the spouses or to the moms and dads who lost more than one child.

I have also met a lot of people because I have done Pediatric AIDS Foundation in both of my sons' names. We actually are holding 82 families in the Merrimack Valley and I have also met a lot of families that have lost multiple children as myself and other women that I have met. Also I have met husbands who have infected their wives and also infected their children. So, you have to think of multiple losses and (inaudible) and families that just don't exist anymore.

Now, if you have a family through this law that nobody else gets the money, it just reverts back in to the fund. So it's $750 million but you're not going to pay everybody out because some people are just dead. So are their parents

and so are everybody that can collect from this law. It only pays the spouses and it only pays the moms and dads.

There's $65 million in the fund right because we're a year and a half into lobbying for funding with 6 years in for authorization and now we're starting the funding process. This law sunsets in 3½ years. That means they either have to deal with it or it's gone. So we have 3½ more years to try and get acknowledgement, media and nobody wants to acknowledge this like Kathy said because it was failure to warn. The FDA failed to warn.

Why would you say that would happen? Because you have to know what Factor VIII is to a hemophiliac. It's a blood-clotting factor. How is that blood-clotting factor made? It's made by manufacturers from pharmaceutical and manufacturers in large vats. The donor pool in itself was criminal. The donor pool was taken like she told you, from IV drug users, from Arkansas State Prison, from and I'm not offending anybody but from the gay population, solicitation in magazines. Very heavily through the gay population. Very heavily through IV drug users and very heavily through 3rd world countries. They imported blood from 3rd world countries. All of that was put into a mix. So what you had in that mix to make Factor VIII was hundreds of thousands of donors that were infected with God knows what. What do we know in the year 2000 from the 1980? We know that there's Hepatitis B in it. That's how it started. It could have been prevented. There was HIV in it and there was also Hepatitis C which no one is acknowledging. Most of the hemophiliacs now are dying of Hepatitis C as Kathy's husband did.

The protease inhibitors – yes. They enhance quantity of life not quality of life because a protease will deal with HIV but goes against the liver. It causes liver failure. If you have Hepatitis C and HIV which 98% of them do, bot of my sons did, you can't take a protease. That will enhance you Hepatitis C because your going to bleed out and you're going to die from liver failure. So, yes. Protease is good for people with HIV but they're not good for people with Hepatitis C.

So, I know of three major diseases now that my sons have through this blood product. Maybe there's more. There's a big question mark on CJD. CJD is mad cows disease. CJD can only be taken by brain biopsy. So there's no autopsies done on hemophiliacs so we don't know that existed. That's question mark. That's still some knowledge that we have yet to learn.

This stuff was so bad that it should have never, never been put out in the first place. What makes it criminal I think is the fact is that they never recalled. There were no recalls for 5 years. So, a little story that I say is that

I had HIV in my refrigerator for 5 years. I kept on re-infecting my children with HIV and Hepatitis C and I had no knowledge. We gave it – I think an average user would probably use this product maybe 10 to 20 times a month and if you have two small kids and you're using product on an average of maybe 30 or 40 times a month. So you're re-infecting them with HIV. You don't only give them one dose and it was bad product one time. It was 5 years worth of bad product. So all we did was keep killing them over and over and over again.

Before the protease (inaudible) that's what Shawn looked like when he graduated. That's when Shawn looked like 2 months before he died. So, a lot of wasting happened. As I was telling Chris at the beginning, we saw decomposition of the people happen. I hate to say this but that's what happened. Decomposition of people at 22 years old that you would never see of a 90 year old person.

So we've had to live with that. I'm going to caretake because nobody wanted them in hospitals either. My son died at home. A lot of people and you can see through Kathy's pictures are bedridden at home. So, we have to caretake and we have to take care of and a lot of people with hemophilia and HIV and Hepatitis C cannot get health insurance. I knew of a black family in Mattapan that has three sons. She lost 2 sons within 35 days. She needed help financially for burying her two sons. They died within 35 days of each other. She got up the money for the first son but then she couldn't get up the money for the 2nd son.

This is what we're living with on a daily basis because there's still (beep). I visit about 2,500 of them out 10,000. We have to live with that thought. Now, we've worked very hard through the system and I know how to hot line a bill now. I know about the (turn over tape) I've been to a couple of White House appointments. I never thought I would be doing this but we can't let our kids or our husbands die and sit here and say, "there's nothing we can do?" $100,000 like someone said here, it's just not enough but that's what the law reads. That's what the bill said. We never encompassed when the law was written what we would be going through on a daily basis. Maybe a check every month would have been better. Maybe compensation on a monthly basis for just those that are still living would've been good. Maybe free Factor from the pharmaceutical industry for rest of their lives because we still have to use this product now form the same people that did this to us.

You want to know why they didn't recall? I'll tell you why they didn't recall because there was $800 million worth of product on the market. They didn't want to recall. What would they have done if they had recalled it? They had the heat treated process in order to eliminate these viruses right from the

product. They didn't want to spend the money to treat it. They had the heat treated process in around 1976 and 1974. They had a way to deal with it. They didn't recall.

I even looked up TV and I've been kind of up on everything that's been going on and I looked at the diabetes medicine. Sixty-two deaths I got to take this stuff off the market. This was a blood product that infected not only 10,000 hemophiliacs but a lot of other people through hospitals and everything for transfusion cases. This should have been FDA recalled. The failure to warn is criminal. Failure to take a product off the market – maybe they could have made a mistake one-year but to leave the product on the market for 5 years to me is criminal.

So the law is going to give us some sort of justice or a piece of it. The second part is to probably open up a criminal investigation. The third part is to get a memorial for us so that we can see something tangible in front of us. You what, we can't get over this so we can't stop.

I hope I've enlightened you. I want to thank you for apologizing too because it wasn't you. That's the first time we've ever heard that from anyone. Any questions?

Senator Patricia Krueger, D. 16: I just want to say that you know for the grace of God that would have been me. I was in Deacons during that time. I've got product and I got plasma and because my platelets were so low. I remember a few years later when they started talking about what you're talking about here with us today. You're right, there wasn't any (inaudible) or anything.

Senator James W. Squires, D. 12: That was impressive yet sad testimony Terry. I certainly appreciate your coming. Mr. Ritter.

John Ritter, Committee of Ten Thousand: Thank you for holding this hearing. I work for an organization called the Committee for Ten Thousand. It's my honor and privilege to call both the ladies you've just heard my friends because I'm an invited guest in the community, the infected community with Hemophilia HIV/AIDS.

I listened to many people across the Country who are in some of the circumstances to these ladies. My job is Ryan White Title 2 funded and is to listen to those families specifically in Massachusetts but luckily Massachusetts is broadminded enough to give me the whole Country because I'm the only Ryan White Title 2 person to do this for this population. Just in the short time I have been working in this position I have learned some

incredible things that should be of interest to anyone that cares about public safety.

My agency you should know is one of only 5% of agencies that are AIDS Service Organizations that do not take pharmaceutical dollars. In fact 95% of AIDS Service Organizations in some way, shape or form are funded by pharmaceutical industry money. The Committee of Ten Thousand to its credit wanted to steer clear of that because of the history here. I can speak freely to you in relation to any of those issues that you might want to raise.

I will tell you that for many, many families that I hear from in this state and from across the Country, your leadership is critical. The state level is where people exist most often. The apology that you gave is the first I've ever heard. Frankly, some of these families don't care about the money as much as they care about what you've just said. They need to know that this government cares about them. There are people all over this Country that believe that government doesn't care. How can disasters happen and the government have a compassionate bill that they watch one person a day die. Then that person dies – I've got a friend right now in a coma in a hospital who maybe will never know if this gets funded. He fought to get this bill funded.

All over the Country I've seen people die saying, "finish the job. Get the bill funded. Give our families some hope." You represent hope to me. Not just people in this Country but all over the world.

I have two children myself. She talked about CJD. I think about things that most of you don't want to think about ever believe me. CJD gets transmitted through gelatin. It may affect everybody in this room. We don't know. It's that gay white paper on it. If you don't change the nature of how federal regulatory oversight goes and change the climate in Washington by what you do here today, the next pandemic may hit a lot more people than this one. It really is up to people at your level of responsibility to be able to set a climate that keeps my children safe, that keeps your children safe, that keeps you safe.

The foundation that existed to protect these folks was heavily funded and still is funded by the pharmaceutical industry and when these families who are isolated because it's a rare disease were told by that foundation when this was going on, "Infuse regularly. Infuse often. When in doubt infuse." So people were prophylacticly infusing themselves with this product that we knew was lethal since 1983. That's a conservative estimate on my point.

We also knew – our government knew – that Hepatitis B was a marker for HIV. They knew Hepatitis B was in the lots that they were giving to these folks. So they knew that this population would be disproportionally impacted.

These folks also had, because of Factor concentrate, had suppressed immune systems to start with. Factor Concentrate is made out of hamster ovaries and because it's a foreign product your body has a reaction to it so it suppresses the immune system. So then you had an already suppressed immune system taking a product which gives you Hepatitis, which gives you HIV and it's no wonder that within the HIV infected population this is the most rapidly dying group. One a day still dying because of the types of exposures, because of the length of exposures, because of the continued use of the product.

A product that as Terry had said could have been heat-treated in the 1970's on Hepatitis which they knew was going through the product. They could have heat treated it out and spared this population of what has happened to them. Because hemophilia is genetic in nature, you have whole family systems that are decimated not just one family but it's passed from through the female line. Moms that are frequently infusing their kids with this product could have been told the product was bad.

They had alternatives. Chryopersipitate was an alternative that would have been safer. The medical community could have shifted had they been warned. It could have shifted treatment to chryopersipitate in many cases. There were alternatives available for some of the population that could have been spared this even within a normal treatment regime.

So please, I would beg you on behalf of thousands of American citizens who watched the Japanese get paid 3 times the level that's in this bill. Over $300,000 in payments for Japanese citizens. Who wonder why does America care less than Japan? Who wonder when fraudulent concealment is proved in the Dixon case in the state of Louisiana and the jury awards over a $30 million verdict, that the shield laws and the statute issues create a zero situation? Fraudulent concealment was proven. My point to you is every single count in the Dixon case was proven. Now it is not about the Dixon case but it's about the nature of what is going here. It's about the honesty and integrity of the United States government for its citizens. You have a very important choice to make today as to how our government will operate. Whether it's going to be for climate of safety and have the integrity to follow through on what it commits to its citizens or whether it will be empty promises and whether it will continue a legacy which I hope we will not of the government not following through like the small pox that was given to

Native-American people like the Tuskegee situation, like the Gulf War Syndrome. I could name others. I do not think that's our best government. You can shift the nature of what's going on in and I hope that you do. Thank you.

Senator James W. Squires, D. 12: That completes the list of those to speak. Anyone else wish to speak? Seeing none, I will close the hearing on HJR 20.

Hearing closed at 2:45 PM.

Respectfully submitted,

Merideth A. Chandler,
Committee Secretary

Speakers

SENATE PI-HHS COMMITTEE

Date 05/09/00 Time 1:00 PM Public Hearing on HJR 20

Appearing in FAVOR: (Please print) **Please check box at left to speak.**

Speaking?	Name	Address	Representing
☑	Rep Chris Konys		Hills Dist 33
☑	Bailey Seward Mackey	2 Webster St Nashua	self
☑	Jerry MacNeill	Deacut MA	self/NH
☑	John P. Nuber	S. Dartmouth MA	Committee of Ten Thousand
☑	Donnalee Lozeau	Hills 30	
☐	Debra S. Pignatelli	Nashua	District 13
☐	Jim Rubens MD	Belmont	co sponsor
☐			
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Appearing in OPPOSITION: (Please Print) **Please check box at left to speak.**

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Committee Report

Date: May 9, 2000 Time: 1:00 PM

The Senate Committee on Public Institutions/Health Human Services held its hearing in Room 102, LOB, Concord, New Hampshire.

BILL NO.: HJR 20 TITLE: urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims.

Members of the Committee present:

Senator Squires
Senator Wheeler
Senator Fernald
Senator Krueger
Senator McCarley
Senator Pignatelli

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☒ Ought to Pass
- ☐ Ought to Pass w/ Amendment
- ☐ Inexpedient to Legislate
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: May 9, 2000

THE COMMITTEE ON Public Institutions/Health Human Services

to which was referred House Joint Resolution 20

AN ACT urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims.

VOTE: 6-0

Having considered the same, report the same without amendment and recommend that the bill: **OUGHT TO PASS.**

Senator James Squires
For the Committee