

By Senator Lynn

7-96-04

1 A bill to be entitled
2 An act relating to human immunodeficiency virus
3 (HIV) infection testing of newborn infants;
4 amending s. 384.31, F.S.; requiring all newborn
5 infants to be tested at the time of delivery
6 for HIV infection; providing for notification
7 to the mother of the infant's HIV test results;
8 requiring that information be provided to the
9 mother about medical and support services if
10 the infant's test results are positive;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 384.31, Florida Statutes, is
16 amended to read:

17 384.31 Serological testing of pregnant women and
18 newborn infants; duty of the attendant.--

19 (1) Every person, including every physician licensed
20 under chapter 458 or chapter 459 or midwife licensed under
21 part I of chapter 464 or chapter 467, attending a pregnant
22 woman for conditions relating to pregnancy during the period
23 of gestation and delivery shall take or cause to be taken a
24 sample of venous blood at a time or times specified by the
25 department. Each sample of blood shall be tested by a
26 laboratory approved for such purposes under part I of chapter
27 483 for sexually transmissible diseases as required by rule of
28 the department.

29 (2) At the time the venous blood sample is taken,
30 testing for human immunodeficiency virus (HIV) infection shall
31 be offered to each pregnant woman. The prevailing professional

1 standard of care in this state requires each health care
2 provider and midwife who attends a pregnant woman to counsel
3 the woman to be tested for human immunodeficiency virus (HIV).
4 Counseling shall include a discussion of the availability of
5 treatment if the pregnant woman tests HIV positive. If a
6 pregnant woman objects to HIV testing, reasonable steps shall
7 be taken to obtain a written statement of such objection,
8 signed by the patient, which shall be placed in the patient's
9 medical record. Every person, including every physician
10 licensed under chapter 458 or chapter 459 or midwife licensed
11 under part I of chapter 464 or chapter 467, who attends a
12 pregnant woman who has been offered and objects to HIV testing
13 shall be immune from liability arising out of or related to
14 the contracting of HIV infection or acquired immune deficiency
15 syndrome (AIDS) by the child from the mother.

16 (3) A venous blood sample shall be taken from every
17 newborn infant at the time of delivery and the blood sample
18 shall be tested for human immunodeficiency virus (HIV)
19 infection. Thereafter, the person ordering the test, or that
20 person's designee, shall ensure that all reasonable efforts
21 are made to notify the mother of her newborn infant's test
22 result. Notification to the mother of a positive test result
23 must include information on the availability of appropriate
24 medical and support services for the infant and on preventing
25 the transmission of HIV.

26 Section 2. This act shall take effect July 1, 2004.
27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Requires all newborn infants to be tested at the time of delivery for the HIV infection. Provides for notifying the mother of the infant's HIV test results. Provides for informing the mother of medical and support services if her infant's test results are positive.