

By the Committee on Health, Aging, and Long-Term Care; and
Senator Lynn

317-1132-04

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 exemption from testing
12 requirements based on the religious beliefs of
13 the parent or legal guardian; providing an
14 effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 384.31, Florida Statutes, is
19 amended to read:

20 384.31 Serological testing of pregnant women and
21 newborn infants; duty of the attendant.--

22 (1) Every person, including every physician licensed
23 under chapter 458 or chapter 459 or midwife licensed under
24 part I of chapter 464 or chapter 467, attending a pregnant
25 woman for conditions relating to pregnancy during the period
26 of gestation and delivery shall take or cause to be taken a
27 sample of venous blood at a time or times specified by the
28 department. Each sample of blood shall be tested by a
29 laboratory approved for such purposes under part I of chapter
30 483 for sexually transmissible diseases as required by rule of
31 the department.

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

19 (3) A venous blood sample shall be taken from every
20 newborn infant at the time of delivery and the blood sample
21 shall be tested for human immunodeficiency virus (HIV)
22 infection. Thereafter, the person ordering the test, or that
23 person's designee, shall ensure that all reasonable efforts
24 are made to notify the mother of her newborn infant's test
25 result. Notification to the mother of a positive test result
26 must include information on the availability of appropriate
27 medical and support services for the infant and on preventing
28 the transmission of HIV. This subsection does not apply if the
29 parent or legal guardian of any newborn infant objects in
30 writing that such testing is contrary to the religious tenets
31 and practices of the parent or legal guardian.

1 Section 2. This act shall take effect July 1, 2004.

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 Senate Bill 144

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6 The Committee Substitute adds an exemption from newborn HIV
7 testing if the parent or legal guardian objects in writing on
8 the basis of religious tenets or practices.

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