

HB 0725

2004

A bill to be entitled

An act relating to human immunodeficiency virus (HIV) infection testing of newborn infants; amending s. 384.31, F.S.; requiring all newborn infants to be tested at the time of delivery for HIV infection; providing for notification to the mother of the infant's HIV test results; requiring that information be provided to the mother about medical and support services if the infant's test results are positive; providing an exemption from testing requirements based on the religious beliefs of the parent or legal guardian; providing an effective date.

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

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

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

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

(2) At the time the venous blood sample is taken, testing for human immunodeficiency virus (HIV) infection shall be

HB 0725

2004

30 offered to each pregnant woman. The prevailing professional
31 standard of care in this state requires each health care
32 provider and midwife who attends a pregnant woman to counsel the
33 woman to be tested for human immunodeficiency virus (HIV).
34 Counseling shall include a discussion of the availability of
35 treatment if the pregnant woman tests HIV positive. If a
36 pregnant woman objects to HIV testing, reasonable steps shall be
37 taken to obtain a written statement of such objection, signed by
38 the patient, which shall be placed in the patient's medical
39 record. Every person, including every physician licensed under
40 chapter 458 or chapter 459 or midwife licensed under part I of
41 chapter 464 or chapter 467, who attends a pregnant woman who has
42 been offered and objects to HIV testing shall be immune from
43 liability arising out of or related to the contracting of HIV
44 infection or acquired immune deficiency syndrome (AIDS) by the
45 child from the mother.

46 (3) A venous blood sample shall be taken from every
47 newborn infant at the time of delivery and the blood sample
48 shall be tested for human immunodeficiency virus (HIV)
49 infection. Thereafter, the person ordering the test, or that
50 person's designee, shall ensure that all reasonable efforts are
51 made to notify the mother of her newborn infant's test result.
52 Notification to the mother of a positive test result must
53 include information on the availability of appropriate medical
54 and support services for the infant and on preventing the
55 transmission of HIV. This subsection does not apply if the
56 parent or legal guardian of any newborn infant objects in
57 writing that such testing is contrary to the religious tenets
58 and practices of said parent or legal guardian.

HB 0725

2004

59

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