

By Senator Lynn

7-191A-05

1 A bill to be entitled
2 An act relating to the testing for pregnant
3 women for human immunodeficiency virus (HIV)
4 infection; amending s. 384.31, F.S.; requiring
5 all pregnant women to be tested for HIV
6 infection; providing that each woman be
7 informed of the HIV test results; requiring
8 that information be provided to the woman about
9 medical and support services if the test
10 results are positive; providing an exemption
11 from testing requirements if the pregnant woman
12 objects; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:
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16 Section 1. Section 384.31, Florida Statutes, is
17 amended to read:

18 384.31 Serological testing of pregnant women; duty of
19 the attendant.--

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

30 (2) At the time the venous blood sample is taken, the
31 pregnant woman's blood sample shall be tested ~~testing~~ for

1 human immunodeficiency virus (HIV) infection ~~shall be offered~~
2 ~~to each pregnant woman~~. The prevailing professional standard
3 of care in this state requires each health care provider and
4 midwife who attends a pregnant woman to ensure that counsel
5 the woman ~~is to be~~ tested for human immunodeficiency virus
6 (HIV) and informed of the test results. Testing procedures
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 the ~~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 is ~~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 Section 2. This act shall take effect July 1, 2005.

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22 SENATE SUMMARY

23 Requires that all pregnant women be tested for HIV
24 infection. Requires that information be provided to the
25 mother about medical and support services if the woman's
26 test results are positive. Provides an exemption from
27 testing requirements if the pregnant woman objects.
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