
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 746 Session of
2017

INTRODUCED BY CRUZ, YOUNGBLOOD, MURT, BOBACK, KORTZ, McNEILL,
BULLOCK, READSHAW, MILLARD, D. COSTA, KINSEY, SCHWEYER AND
THOMAS, MARCH 7, 2017

REFERRED TO COMMITTEE ON HEALTH, MARCH 7, 2017

AN ACT

1 Providing for cytomegalovirus education and newborn testing.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the CMV Education
6 and Newborn Testing Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Birthing facility." An inpatient or ambulatory health care
12 facility licensed by the department that provides birthing and
13 newborn care services.

14 "CMV." Cytomegalovirus.

15 "Department." The Department of Health of the Commonwealth.

16 "Health care practitioner." The term shall have the same
17 meaning as defined in section 103 of the act of July 19, 1979

(P.L.130, No.48), known as the Health Care Facilities Act.

"Newborn child." A child less than 28 days of age.

Section 3. Informational publications by department.

(a) General rule.--The department shall make the following available on the department's publicly accessible Internet website:

(1) Up-to-date, evidence-based information about CMV that has been reviewed by medical experts and national CMV organizations. The information provided shall include the following:

(i) The incidence of CMV.

(ii) The transmission of CMV to pregnant women and women who may become pregnant.

(iii) Birth defects caused by congenital CMV.

(iv) Methods of diagnosing congenital CMV.

(v) Available preventive measures.

(vi) Treatment options.

(vii) Any other information the department deems necessary.

(2) Contact information regarding support programs and services, including the following:

(i) Information hotlines specific to CMV.

(ii) Relevant resource centers or clearinghouses.

(iii) National and local CMV organizations.

(iv) Educational and support programs.

(b) Form.--The information provided in accordance with this act shall conform to the applicable standard or standards provided in the enhanced "National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care," as adopted by the United States Department of Health and Human

1 Services and published in the Federal Register on September 24,
2 2013.

3 Section 4. Dissemination of information on CMV.

4 (a) Requirement.--A health care practitioner that assumes
5 responsibility for the prenatal care of pregnant women or women
6 who may become pregnant shall provide the educational
7 information regarding CMV made available by the department under
8 section 3.

9 (b) Compliance.--Delivery of information prepared by the
10 department in accordance with section 3 shall constitute
11 compliance with this section.

12 Section 5. CMV newborn testing.

13 (a) General rule.--Except as provided for in subsection
14 (b), the department shall require a birthing facility or a
15 health care practitioner that assumes care of a newborn child to
16 test the newborn child for CMV before the newborn child is 21
17 days of age if:

18 (1) The newborn child fails the newborn hearing
19 screening under the act of November 30, 2001 (P.L.849,
20 No.89), known as the Infant Hearing Education, Assessment,
21 Reporting and Referral (IHEARR) Act.

22 (2) The parent or guardian of a newborn child requests
23 that the newborn child be tested for CMV.

24 (b) Exception.--A test under subsection (a) may not be
25 performed if a parent or guardian of the newborn child dissents
26 on the grounds that the test conflicts with a religious belief
27 or practice.

28 Section 6. Regulations.

29 The department shall promulgate regulations necessary to
30 effectuate the provisions of this act.

1 Section 7. Effective date.

2 This act shall take effect in 90 days.