

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2465 Session of
2008

INTRODUCED BY SHAPIRO, BELFANTI, BENNINGTON, BISHOP, BRENNAN,
COHEN, CREIGHTON, DeLUCA, FABRIZIO, FRANKEL, FREEMAN,
GALLOWAY, GERGELY, GINGRICH, HARHAI, HARKINS, HENNESSEY,
JAMES, KORTZ, KULA, LEACH, MAHONEY, McGEEHAN, McILHATTAN,
McILVAINE SMITH, MYERS, M. O'BRIEN, PARKER, PAYTON, QUINN,
READSHAW, SIPTROTH, K. SMITH, SONNEY, THOMAS, WHEATLEY,
J. WHITE, WOJNAROSKI AND YOUNGBLOOD, APRIL 15, 2008

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
APRIL 15, 2008

AN ACT

1 Amending the act of April 23, 1956 (1955 P.L.1510, No.500),
2 entitled, as amended, "An act providing for the prevention
3 and control of communicable and non-communicable diseases
4 including venereal diseases, fixing responsibility for
5 disease prevention and control, requiring reports of
6 diseases, and authorizing treatment of venereal diseases, and
7 providing for premarital and prenatal blood tests; amending,
8 revising and consolidating the laws relating thereto; and
9 repealing certain acts," providing for prenatal HIV-related
10 testing.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The act of April 23, 1956 (1955 P.L.1510,
14 No.500), known as the Disease Prevention and Control Law of
15 1955, is amended by adding a section to read:

16 Section 13.1. Prenatal HIV-related Testing.--

17 (a) The provisions of section 5 of the act of November 29,
18 1990 (P.L.585, No.148), known as the "Confidentiality of HIV-
19 Related Information Act," notwithstanding, every physician who

1 attends, treats or examines any pregnant woman for conditions
2 relating to pregnancy, during the period of gestation or at
3 delivery, shall take or cause to be taken, unless the woman
4 dissents, a sample of blood from the woman at the time of first
5 examination, or within fifteen days, and shall submit the sample
6 to an approved laboratory for an approved HIV-related test. All
7 other persons permitted by law to attend pregnant women, but not
8 permitted by law to take blood samples, shall, unless the woman
9 dissents, cause a sample of the blood of every pregnant woman
10 attended by them to be taken by a physician licensed to practice
11 in this Commonwealth and submit it to an approved laboratory for
12 an approved HIV-related test. In the event of dissent, it shall
13 be the duty of the physician to explain to the pregnant woman
14 the desirability of the test. The HIV-related test required by
15 this section shall be made, without charge by the department,
16 upon the request of the physician submitting the sample, if the
17 physician submits a certificate that the patient is unable to
18 pay.

19 (b) In reporting every birth and fetal death, physicians and
20 others required to make the reports shall state in the medical
21 record whether or not the HIV-related test required by this
22 section was made. If the test was made, the date of the test
23 shall be given. If the test was not made, it shall be stated
24 whether it was not made because, in the opinion of the
25 physician, the test was not advisable or because the woman
26 dissented. If the woman dissents, her refusal shall be
27 documented in her medical record.

28 (c) A newborn whose mother has received a positive test
29 result for HIV shall be tested for HIV, unless the mother
30 objects.

1 (d) Testing conducted pursuant to this section shall comply
2 with the guidelines set forth by the Centers for Disease Control
3 and Prevention and the American College of Obstetricians and
4 Gynecologists for human immunodeficiency virus testing.

5 Section 2. This act shall take effect in 60 days.