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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 709 Session of  
2021

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INTRODUCED BY TOMLINSON, MARTIN, MENSCH, FONTANA, DiSANTO,  
STEFANO, SABATINA, KEARNEY, AUMENT, COSTA, SANTARSIERO,  
COLLETT, L. WILLIAMS, TARTAGLIONE AND HAYWOOD, MAY 25, 2021

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REFERRED TO HEALTH AND HUMAN SERVICES, MAY 25, 2021

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AN ACT

1 Providing for cytomegalovirus education and newborn screening.

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 Screening 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 "Certified-nurse midwife." An individual licensed by  
15 the State Board of Medicine to practice midwifery under section  
16 35 of the act of December 20, 1985 (P.L.457, No.112), known as  
17 the Medical Practice Act of 1985.

1 "CMV." Cytomegalovirus.

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

3 "Direct-entry midwife." An independent practitioner educated  
4 in the discipline of midwifery through self-study,  
5 apprenticeship, a midwifery school or a college or university-  
6 based program distinct from the discipline of nursing. The term  
7 includes certified professional midwives, traditional midwives,  
8 Amish, Mennonite or Plain midwives and other specific cultural  
9 or spiritual community-based midwives not licensed by the State  
10 Board of Medicine as a certified-nurse midwife.

11 "Health care practitioner." The term shall have the same  
12 meaning as defined in section 103 of the act of July 19, 1979  
13 (P.L.130, No.48), known as the Health Care Facilities Act.

14 "Newborn child." A child under 21 days of age.

15 Section 3. Informational publications by department.

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

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

23 (i) The incidence of CMV.

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

26 (iii) Birth defects caused by congenital CMV.

27 (iv) Methods of diagnosing congenital CMV.

28 (v) Available preventive measures.

29 (vi) Treatment options.

30 (vii) Any other information the department deems

1           necessary.

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

4           (i) Information hotlines specific to CMV.

5           (ii) Relevant resource centers or clearinghouses.

6           (iii) National and local CMV organizations.

7           (iv) Educational and support programs.

8           (b) Form.--The information provided in accordance with this  
9 act shall conform to the applicable standard or standards  
10 provided in the enhanced "National Standards for Culturally and  
11 Linguistically Appropriate Services in Health and Health Care,"  
12 as adopted by the United States Department of Health and Human  
13 Services and published in the Federal Register on September 24,  
14 2013.

15 Section 4. Dissemination of information on CMV.

16           (a) Requirement.--A certified-nurse midwife, direct-entry  
17 midwife or health care practitioner that assumes responsibility  
18 for the prenatal care of a pregnant woman or a woman who may  
19 become pregnant shall provide the educational information  
20 regarding CMV made available by the department under section 3.

21           (b) Compliance.--Delivery of information prepared by the  
22 department in accordance with section 3 shall constitute  
23 compliance with this section.

24 Section 5. CMV newborn screening.

25           (a) General rule.--Except as provided for in subsection  
26 (c), the department shall require a birthing facility or a  
27 certified-nurse midwife, direct-entry midwife or health care  
28 practitioner that assumes care of a newborn child to screen the  
29 newborn child for CMV before the newborn child is 21 days of age  
30 if:

1 (1) the newborn child fails the initial newborn hearing  
2 screening under the act of November 30, 2001 (P.L.849,  
3 No.89), known as the Infant Hearing Education, Assessment,  
4 Reporting and Referral (IHEARR) Act; or

5 (2) the parent or guardian of a newborn child requests  
6 that the newborn child be screened for CMV.

7 (b) Screening.--A CMV screening shall be performed using the  
8 following:

9 (1) polymerase chain reaction (PCR) on saliva or urine;

10 (2) follow-up urine test to a positive PCR saliva test  
11 for confirmation; or

12 (3) successor testing approved by the Centers for  
13 Disease Control and Prevention.

14 (c) Exception.--A screening under subsection (a) may not be  
15 performed if a parent or guardian of the newborn child dissents  
16 on the grounds that the screening conflicts with a religious  
17 belief or practice.

18 Section 6. Regulations.

19 The department shall promulgate regulations necessary to  
20 effectuate the provisions of this act.

21 Section 7. Effective date.

22 This act shall take effect in 90 days.