

As Amended by House Committee

As Amended by Senate Committee

Session of 2009

SENATE BILL No. 147

By Committee on Public Health and Welfare

1-29

12 AN ACT concerning the department of health and environment; relating
13 to HIV screening for pregnant women and newborn children; rules
14 and regulations.
15

16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. (a) A physician or other **health care** professional who is
18 otherwise authorized by law to provide medical treatment to a pregnant
19 woman shall take or cause to be taken, ~~at the obstetric panel administered~~
20 during the first trimester **of pregnancy**, a routine opt-out screening for
21 HIV infection ~~to all pregnant woman in Kansas~~. When the physician or
22 other **health care** professional determines certain pregnant women to
23 be at high risk for acquiring HIV infection, such women shall be admin-
24 istered a repeat screening during the third trimester or at the time of
25 labor and delivery. **When a pregnant woman's HIV status is unknown**
26 **for any reason at the time of labor and delivery, such woman shall**
27 **be screened for HIV infection as soon as possible within medical**
28 **standards. ~~A pregnant woman shall have the right to refuse such~~**
29 **~~screening at any time.~~** When an HIV rapid test kit is used for screening,
30 a confirmatory sample shall be submitted for serological testing which
31 meets the standards recognized by the United States public health service
32 for the detection of HIV to a laboratory approved by the secretary of
33 health and environment for such serological tests. **A pregnant woman**
34 **shall have the right to refuse screening under this subsection at**
35 **any time. Before any screening is performed under this subsection,**
36 **the pregnant woman shall be informed in writing of the provisions**
37 **of this subsection and the purposes and benefits of the screening,**
38 **and the pregnant woman shall sign a form provided by the de-**
39 **partment of health and environment to authorize or opt-out of the**
40 **screening.**

41 (b) When the mother's HIV status is unknown because of refusal to
42 take such screening during the pregnancy or any other reasons, such
43 mother's newborn child shall be screened with an HIV test as soon as

1 possible within medical standards to determine if prophylaxis is needed.
2 A mother's or a guardian's consent is not required to screen such newborn
3 child, ***except that this subsection shall not apply to any newborn***
4 ***child whose parents object to the test as being in conflict with their***
5 ***religious tenets and practices.*** Documentation of a mother's HIV status
6 shall be recorded in both the mother's and newborn's medical records.
7 **The mother of the child shall be informed in writing of the pro-**
8 **visions of this subsection and of the purposes and benefits of the**
9 **screening and shall sign a form stating that the mother has re-**
10 **ceived the information.**

11 (c) The secretary of health and environment is hereby authorized to
12 adopt rules and regulations, ***within ~~a year~~ six months from the effec-***
13 ***tive date of this act,*** establishing guidelines for routine HIV infection
14 screening for ~~all~~ pregnant women ~~in Kansas~~ and each newborn child
15 where the HIV status of the mother is unknown at the time of birth.
16 These rules and regulations shall be based on the recommendations and
17 best practices established by the United States centers for disease control
18 and prevention and public health service task force recommendations for
19 use of antiretroviral drugs in pregnant HIV infected women for maternal
20 health and interventions to reduce perinatal HIV transmission in the
21 United States.

22 (d) As used in this section, physician, HIV and HIV infection have
23 the meanings defined in K.S.A. 65-6001, and amendment thereto.

24 Sec. 2. This act shall take effect and be in force from and after its
25 publication in the statute book.