House Bill 436
By: Representatives Clark of the 101st, Cooper of the 43rd, Sims of the 123rd, Kaiser of the 59th, Hawkins of the 27th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 17 of Title 31 of the Official Code of Georgia Annotated, relating to control of venereal disease, so as to require that physicians and health care providers offer HIV and syphilis testing of pregnant women in their third trimester of pregnancy; to provide for refusal of testing by a pregnant woman; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Chapter 17 of Title 31 of the Official Code of Georgia Annotated, relating to control of venereal disease, is amended by revising Code Section 31-17-4.2, relating to HIV Pregnancy Screening, as follows:

"31-17-4.2.
(a) This Code section shall be known and may be cited as the 'Georgia HIV/Syphilis Pregnancy Screening Act of 2007 2015.'
(b) Every physician and health care provider who assumes responsibility for the prenatal care of a pregnant woman during gestation and at delivery shall be required to test such pregnant woman for HIV except in cases where the woman refuses the testing. Additionally, every physician and health care provider who assumes responsibility for the prenatal care of a pregnant woman during the third trimester of gestation shall offer to test such pregnant woman for HIV and syphilis at the time of first examination during that trimester or as soon as possible thereafter, regardless of whether such testing was performed during the first two trimesters of her pregnancy.
(c) If at the time of delivery there is no written evidence that an HIV test has been performed, the physician or other health care provider in attendance at the delivery shall order that a sample of the woman's blood be taken or a rapid oral test for HIV be administered at the time of the delivery except in cases where the woman refuses the testing; provided, however, that if available documentation indicates that a test for HIV was

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already performed during the third trimester of her pregnancy in accordance with subsection (b) of this Code section, and she does not disclose when questioned any activities posing a risk for infection with HIV occurring more recently than would have been detected by such test, the physician or health care provider in attendance at the delivery is not required to order such additional test.

(d) The woman shall be informed of the test to be conducted and her right to refuse. A pregnant woman shall submit to an HIV test pursuant to this Code section unless she specifically declines. If the woman tests positive for HIV, counseling services provided by the Department of Public Health shall be made available to her and she shall be referred to appropriate medical care providers for herself and her child.

(e) If for any reason the pregnant woman is not tested for HIV and syphilis, that fact shall be recorded in the patient's records, which, if based upon the refusal of the patient, shall relieve the physician or other health care provider of any other responsibility under this Code section.

(f) The Department of Public Health shall be authorized to promulgate rules and regulations for the purpose of administering the requirements under this Code section.”

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.