

House Bill 436 (COMMITTEE SUBSTITUTE)

By: Representatives Clark of the 101<sup>st</sup>, Cooper of the 43<sup>rd</sup>, Sims of the 123<sup>rd</sup>, Kaiser of the 59<sup>th</sup>, Hawkins of the 27<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

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

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "31-17-4.2.

12 (a) This Code section shall be known and may be cited as the 'Georgia HIV/Syphilis  
13 Pregnancy Screening Act of ~~2007~~ 2015.'

14 (b) Every physician and health care provider who assumes responsibility for the prenatal  
15 care of a pregnant woman during gestation and at delivery shall be required to test  
16 such pregnant woman for HIV and syphilis except in cases where the woman  
17 refuses the testing. Additionally, every physician and health care provider who provides  
18 prenatal care of a pregnant woman during the third trimester of gestation shall offer to test  
19 such pregnant woman for HIV and syphilis at the time of first examination during that  
20 trimester or as soon as possible thereafter, regardless of whether such testing was  
21 performed during the first two trimesters of her pregnancy.

22 (c) If at the time of delivery there is no written evidence that an HIV test or a syphilis test  
23 has been performed, the physician or other health care provider in attendance at the  
24 delivery shall order that a sample of the woman's blood be taken or a rapid oral test test for  
25 HIV or syphilis be administered at the time of the delivery except in cases where the  
26 woman refuses the testing; provided, however, that if available documentation indicates

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

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

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

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

44 **SECTION 2.**

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