

PUBLIC CHAPTER NO. 154**HOUSE BILL NO. 2317****By Representatives Favors, Odom****Substituted for: Senate Bill No. 2232****By Senators Kyle, Marrero**

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 5, Part 7, relative to HIV pregnancy screening.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-5-702 is amended by deleting the language of that section in its entirety and substituting instead the following new language:

The purpose of this part is to require all providers of health care services who assume responsibility for the prenatal care of pregnant women during gestation, except in cases where women refuse testing, to test these women for human immunodeficiency virus (HIV) and to provide referral into appropriate medical and social services for those women who test positive.

SECTION 2. Tennessee Code Annotated, Section 68-5-703, is amended by deleting the language of that section in its entirety and substituting instead the following new language:

(a) A health care provider shall arrange for each pregnant woman under such provider's care to be tested for HIV as early as possible in the course of the pregnancy, and again during the third trimester, unless the woman has refused testing in writing and this refusal placed in the medical chart.

(b) A pregnant woman who presents herself for delivery and who does not have a documented negative HIV test during the last trimester of the pregnancy, unless known to already be HIV positive, shall be tested for HIV using a rapid HIV test, unless she refuses in writing. If she refuses testing, and when the time and circumstances are medically appropriate, she should be counseled regarding the consequences of exposing her unborn child to HIV.

(c) All HIV testing performed under this part shall be done in a confidential manner and the results of the testing may be disclosed only as provided by law.

(d) After receiving a positive HIV test result the medical provider shall, when the time and circumstances are medically appropriate, do the following:

(1) Explain the meaning and reliability of the test results and the availability of additional or confirmatory testing, if appropriate; and

(2) Counsel the woman to obtain appropriate medical treatment for herself and her baby and inform her of the increased risks to her baby if she fails to obtain appropriate treatment; and

(3) Make available information concerning the available medical interventions to prevent onset of illness in the mother and to prevent transmission of HIV to her children; and

(4) Arrange for additional counseling in order to assist the woman in obtaining access to a comprehensive clinical care facility that can meet her needs.

SECTION 3. Tennessee Code Annotated, Section 68-5-704 is amended by deleting that section in its entirety.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 30, 2007



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 14th day of May 2007



PHIL BREDESEN, GOVERNOR