

Senate Bill 46

By: Senators Hufstetler of the 52nd, Butler of the 55th, Watson of the 1st, Hickman of the 4th, Williams of the 25th and others

AS PASSED SENATE

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 sexually transmitted disease, so as to require physicians and healthcare providers
3 to test all pregnant women for HIV and syphilis at the first prenatal visit, at 28–32 weeks'
4 gestation, and at delivery; to provide for related matters; to repeal conflicting laws; and for
5 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 sexually transmitted disease, is amended by revising Code Section 31-17-4.2, relating to HIV
10 and syphilis pregnancy 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 2015.'

14 (b) Except in cases where the pregnant woman refuses the testing, a pregnant woman shall
15 be tested for HIV and syphilis:

16 (1) At the pregnant woman's first prenatal visit;

17 (2) When she is at 28–32 weeks' gestation; and

18 (3) At delivery.

19 Each such test shall be conducted by the physician or other healthcare provider who is
20 providing prenatal care for such pregnant woman at each such point in the woman's
21 pregnancy. Every physician and health care provider who assumes responsibility for the
22 prenatal care of a pregnant woman during gestation and at delivery shall be required to test
23 such pregnant woman for HIV and syphilis except in cases where the woman refuses the
24 testing. Additionally, every physician and health care provider who provides prenatal care
25 of a pregnant woman during the third trimester of gestation shall offer to test such pregnant
26 woman for HIV and syphilis at the time of first examination during that trimester or as
27 soon as possible thereafter, regardless of whether such testing was performed during the
28 first two trimesters of her pregnancy.

29 ~~(c) If at the time of delivery there is no written evidence that an HIV test or a syphilis test~~
30 ~~has been performed, the physician or other health care provider in attendance at the~~
31 ~~delivery shall order that a test for HIV, syphilis, or both be administered at the time of the~~
32 ~~delivery except in cases where the woman refuses the testing; provided, however, that if~~
33 ~~available documentation indicates that a test for HIV and syphilis was already performed~~
34 ~~during the third trimester of her pregnancy in accordance with subsection (b) of this Code~~
35 ~~section, and the woman does not disclose when questioned any activities posing a risk for~~
36 ~~infection with HIV or syphilis occurring more recently than would have been detected by~~
37 ~~such test, the physician or health care provider in attendance at the delivery is not required~~
38 ~~to order such additional test.~~

39 ~~(d)(c) The woman shall be notified of the test to be conducted and shall have the~~
40 ~~opportunity to refuse the test. A pregnant woman shall submit to an HIV test and a syphilis~~
41 ~~test pursuant to this Code section unless she specifically refuses. If the woman tests~~
42 ~~positive for HIV or syphilis, counseling services provided by the Department of Public~~

43 Health shall be made available to her and she shall be referred to appropriate medical care
44 providers for herself and her child.

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

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

51 **SECTION 2.**

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