

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

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 style="text-align:center">**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) Every physician and ~~health-care~~ healthcare provider who assumes responsibility for the
15 prenatal 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 refuses the~~
17 testing at the first prenatal visit, at 28–32 weeks' gestation, and at delivery. ~~Additionally,~~

18 every physician and health care provider who provides prenatal care of a pregnant woman
19 during the third trimester of gestation shall offer to test such pregnant woman for HIV and
20 syphilis at the time of first examination during that trimester or as soon as possible
21 thereafter, regardless of whether such testing was performed during the first two trimesters
22 of her pregnancy.

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

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

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

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

45

SECTION 2.

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