

Amendment No. 153

Senate Amendment to Senate Bill No. 266 (BDR 40-1063)

Proposed by: Senate Committee on Human Resources and Education**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

WBD/TMC



Date: 4/9/2007

S.B. No. 266—Requires the performance of tests for the human immunodeficiency virus for pregnant women and newborn children. (BDR 40-1063)



SENATE BILL NO. 266—SENATOR HORSFORD

MARCH 13, 2007

JOINT SPONSOR: ASSEMBLYMAN PARKS

Referred to Committee on Human Resources and Education

SUMMARY—Requires the performance of tests for the human immunodeficiency virus for pregnant women and newborn children. (BDR 40-1063)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; requiring ~~the performance of a standard serological test;~~ **certain prenatal tests for pregnant women under certain circumstances; requiring certain tests** for the human immunodeficiency virus ~~during the first trimester of a woman's pregnancy unless the woman chooses not to be tested; requiring under certain circumstances the performance of a rapid test for the human immunodeficiency virus during a pregnant woman's third trimester or at childbirth unless the woman chooses not to be tested; requiring the performance of a test for the human immunodeficiency virus on a newborn child unless the performance of the test is contrary to the religious beliefs of a parent of the child;~~ **for pregnant women and newborn children under certain circumstances; granting a provider of health care immunity from civil and criminal liability and professional discipline under certain circumstances; and** providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill requires a provider of health care to ensure that a woman receives, as part of the routine prenatal care recommended for all pregnant women during the first trimester of pregnancy, a ~~standard serological~~ test for the human immunodeficiency virus unless the woman chooses not to be tested. **Section 6** ~~of this bill~~ requires a provider of health care to ensure that a pregnant woman receives a ~~rapid~~ test for human immunodeficiency virus during her third trimester ~~for at childbirth~~ if she receives health care in a ~~high-prevalence~~ **jurisdiction with a high prevalence of human immunodeficiency virus or acquired immunodeficiency syndrome among women of child-bearing age or in a high-risk clinical setting or if she reports that she has one or more of the risk factors identified by the Centers for Disease Control and Prevention** ~~it~~, **unless the woman chooses not to be tested. Section 6 also requires a provider of health care to ensure that a pregnant woman**

receives a rapid test for the human immunodeficiency virus during childbirth if she has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, unless the woman chooses not to be tested. If a rapid test is administered and the result of the rapid test is positive, the provider of health care must offer to initiate antiretroviral prophylaxis as soon as practicable without waiting for the results of any other test administered to confirm the result of the rapid test.

Section 7 of this bill requires a provider of health care who attends or assists at the delivery of a child to ensure that a test for the human immunodeficiency virus is performed on the child if the mother has not been tested for the human immunodeficiency virus earlier during her pregnancy or the results of an earlier test are not available, unless a parent objects that performance of the test is contrary to the religious beliefs of the parent.

Section 8 of this bill requires a provider of health care to ensure that, before a woman or newborn child receives any test set forth in this bill, the woman or parent of the newborn child receives a pamphlet informing them of their right to refuse the test.

Section 9 of this bill provides that a provider of health care is not subject to civil or criminal liability or disciplinary action solely for his violation of a provision of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~and 3~~ to 9, inclusive, of this act.

Sec. 2. As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.

Sec. 3. "Provider of health care" means:

1. A provider of health care as defined in NRS 629.031;

2. A midwife; and

3. An obstetric center licensed pursuant to chapter 449 of NRS.

Sec. 4. "Rapid test for the human immunodeficiency virus" or "rapid test" means a test that:

1. Is used to detect the presence of antibodies to the human immunodeficiency virus; and

2. Provides a result in 30 minutes or less.

Sec. 5. Any test for the human immunodeficiency virus, including, without limitation, a rapid test, that is used to carry out the provisions of sections 2 to 9, inclusive, of this act must be approved by the United States Food and Drug Administration.

~~Sec. 2.~~ Sec. 6. 1. A provider of health care who provides prenatal care to a woman during the first trimester of her pregnancy shall ensure that ~~the~~ the woman receives, at her first visit or as soon thereafter as practicable, ~~a sample of the woman's blood is submitted to a qualified laboratory for the performance of the routine prenatal screening tests recommended for all pregnant women by the Centers for Disease Control and Prevention, including, without limitation, a standard serological screening test for the human immunodeficiency virus, unless the woman chooses not to be tested~~ have a screening test for the human immunodeficiency virus ~~or any of the other prenatal screening tests.~~

2. A provider of health care who provides prenatal care to a woman during the third trimester of her pregnancy ~~for who attends or assists her at childbirth~~ shall ensure that the woman receives, between the 27th and the 36th week of gestation or as soon thereafter as practicable, a ~~rapid~~ test for the human immunodeficiency virus if she:

1 (a) Has not been tested for the human immunodeficiency virus earlier during
2 her pregnancy or the results of an earlier test are not available; or

3 (b) Is at high risk for infection with the human immunodeficiency virus,
4 ~~unless the woman chooses not to be tested,~~ have such a test.

5 3. A provider of health care who attends or assists a woman during
6 childbirth shall:

7 (a) Ensure that the woman receives a rapid test for the human
8 immunodeficiency virus if she has not been tested for the human
9 immunodeficiency virus earlier during her pregnancy or the results of an earlier
10 test are not available, unless the woman chooses not to have such a test; and

11 (b) If the rapid test is administered and the result of the rapid test is positive
12 for the presence of antibodies to the human immunodeficiency virus, offer to
13 initiate antiretroviral prophylaxis to reduce the risk of perinatal transmission of
14 the human immunodeficiency virus as soon as practicable after receiving the
15 result of the rapid test and without waiting for the results of any other test
16 administered to confirm the result of the rapid test.

17 4. For the purposes of this section, a woman is at high risk for infection
18 with the human immunodeficiency virus if she:

19 (a) ~~Receives health care in a clinical setting that has been identified by the~~
20 ~~Centers for Disease Control and Prevention as a high-risk or high-prevalence~~
21 ~~clinical setting;:~~

22 (1) A jurisdiction that the Centers for Disease Control and Prevention
23 has identified as having an elevated incidence of human immunodeficiency virus
24 or acquired immunodeficiency syndrome among women between the ages of 15
25 and 45 years; or

26 (2) A health care facility that, under the standards of the Centers for
27 Disease Control and Prevention, is considered a high-risk clinical setting because
28 prenatal screening has identified at least one pregnant woman who is infected
29 with the human immunodeficiency virus for each 1,000 pregnant women
30 screened at the facility; or

31 (b) Reports having one or more of the risk factors for infection with the
32 human immunodeficiency virus identified by the Centers for Disease Control and
33 Prevention, including, without limitation:

34 (1) Engaging in sexual activities with more than one person during the
35 pregnancy without using effective measures to protect against the transmission of
36 the human immunodeficiency virus.

37 (2) Engaging in sexual activity with another person in exchange for
38 money or other compensation.

39 (3) Engaging in sexual activity with another person who ~~is~~

40 ~~(I) Is infected with the human immunodeficiency virus;~~

41 ~~(II) Has a sexual orientation for bisexuality;~~

42 ~~(III) Has used a hypodermic device for the intravenous injection of a~~
43 ~~controlled substance or a dangerous drug; or~~

44 ~~(IV) Has engaged in sexual activity with another person in exchange~~
45 ~~for money or other compensation.~~ is infected with the human immunodeficiency

46 virus or who has one or more of the risk factors for infection with the human
47 immunodeficiency virus identified by the Centers for Disease Control and
48 Prevention.

49 (4) Receiving treatment for a sexually transmitted disease.

50 (5) Using a ~~hypodermic device for the intravenous injection of a~~
51 controlled substance or a dangerous drug.

52 (6) Receiving a blood transfusion between 1978 and 1985, inclusive.

~~1 (7) Requesting a test for the human immunodeficiency virus without~~
~~2 reporting another risk factor.~~

~~3 4. 5. As used in this section:~~

~~4 (a) "Dangerous," "dangerous drug" has the meaning ascribed to it in~~
~~5 NRS 454.201.~~

~~6 (b) "Medical laboratory" means a medical laboratory that is licensed~~
~~7 pursuant to chapter 652 of NRS.~~

~~8 (c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~
~~9 The term includes a midwife and an obstetric center licensed pursuant to chapter~~
~~10 449 of NRS.~~

~~11 (d) "Rapid test for the human immunodeficiency virus" means a test that~~

~~12 (1) Is approved by the United States Food and Drug Administration;~~

~~13 (2) Is used to detect the presence of antibodies to the human~~
~~14 immunodeficiency virus; and~~

~~15 (3) Provides a result in 30 minutes or less.~~

~~16 [Sec. 3.] Sec. 7. (1) A provider of health care who attends or assists at~~
~~17 the delivery of a child shall, if the mother has not been tested for the human~~
~~18 immunodeficiency virus earlier during her pregnancy or the results of an earlier~~
~~19 test are not available, ensure that a rapid test for the human immunodeficiency~~
~~20 virus is performed on the child unless a parent of the child objects to the~~
~~21 performance of the test because it is contrary to the religious beliefs of the parent.~~

~~22 2. As used in this section, "provider of health care" has the meaning~~
~~23 ascribed to it in NRS 629.031. The term includes a midwife and an obstetric~~
~~24 center licensed pursuant to chapter 449 of NRS.~~

~~25 Sec. 8. A provider of health care shall ensure that, before a woman or~~
~~26 newborn child receives any test that is used to carry out the provisions of sections~~
~~27 2 to 9, inclusive, of this act:~~

~~28 1. The woman receives a pamphlet that informs her of her right not to have~~
~~29 the test.~~

~~30 2. The parent of the newborn child receives a pamphlet that informs the~~
~~31 parent of the parent's right to object to the performance of the test because it is~~
~~32 contrary to the religious beliefs of the parent.~~

~~33 Sec. 9. A provider of health care is not subject to civil or criminal liability~~
~~34 or disciplinary action solely for his violation of a provision of sections 2 to 9,~~
~~35 inclusive, of this act.~~