

CHAPTER 109
FORMERLY
SENATE BILL NO. 86

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH AND SAFETY, INFORMED CONSENT AND HIV TESTING.

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

WHEREAS, the incidence of HIV among pregnant women has steadily increased over the past years; and

WHEREAS, babies born to mothers who have not been treated for HIV may inherit the condition and suffer all the associated illnesses and problems; and

WHEREAS, screening all pregnant mothers for HIV will have the beneficial effect of decreasing the rate of neonatal infection of HIV; and

WHEREAS, the ACOG, the AAP, the CDC and the Institute of Medicine all recommend prenatal HIV testing as part of routine prenatal care;

NOW THEREFORE:

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

Section 1. Amend Title 16, Section 1202(c) of the Delaware Code by adding a new subsection (7) as follows:

“(7) The testing is done on a pregnant woman as defined in §1204 of this chapter.”

Section 2. Amend Title 16, Section 1204(a) of the Delaware Code by deleting at the end of the first sentence the phrase “request of each such pregnant woman informed consent to such testing”, and inserting in its place the phrase “include a test for Human Immunodeficiency Virus (HIV) infection among the standard battery of prenatal tests administered to each such pregnant woman, unless such pregnant woman opts out”.

Approved July 06, 2009