

103^D CONGRESS
2^D SESSION

H. R. 4507

To require in certain circumstances that States disclose the HIV status of newborn infants to legal guardians of the infants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 1994

Mr. ACKERMAN introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require in certain circumstances that States disclose the HIV status of newborn infants to legal guardians of the infants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Newborn Infant HIV
5 Notification Act”.

6 **SEC. 2. STATE DISCLOSURES TO LEGAL GUARDIANS OF HIV**
7 **STATUS OF NEWBORN INFANTS.**

8 (a) IN GENERAL.—If a State requires that the results
9 of the HIV testing of a newborn infant be reported to the
10 State (or the State conducts an HIV test of the infant),

1 the State shall promptly disclose the results of the testing
2 in accordance with the following, as applicable to the in-
3 fant involved:

4 (1) To the biological mother of the infant, if the
5 mother is a legal guardian of the infant.

6 (2) If the State is the legal guardian of the in-
7 fant:

8 (A) To the appropriate official of the State
9 agency with responsibility for the care of the in-
10 fant.

11 (B) To the appropriate official of each au-
12 thorized agency providing assistance in the
13 placement of the infant.

14 (C) If the authorized agency is giving sig-
15 nificant consideration to approving an individ-
16 ual as a foster parent of the infant, to the pro-
17 spective foster parent.

18 (D) If the authorized agency is giving sig-
19 nificant consideration to approving an individ-
20 ual as an adoptive parent of the infant, to the
21 prospective adoptive parent.

22 (3) If neither paragraph (1) nor (2) is applica-
23 ble, to another legal guardian of the infant.

24 (b) HIV COUNSELING.—In disclosing test results
25 under subsection (a) to an individual (other than a disclo-

1 sure to an official of a State or an authorized agency),
2 the State shall ensure that appropriate counseling on the
3 human immunodeficiency virus is provided to the individ-
4 ual.

5 **SEC. 3. DEFINITIONS.**

6 For purposes of this Act:

7 (1) The term “authorized agency”, with respect
8 to the placement of a child (including an infant) for
9 whom a State is a legal guardian, means an entity
10 licensed or otherwise approved by the State to assist
11 in such placement.

12 (2)(A) The terms “HIV testing” and “HIV
13 test” mean medically valid testing to determine
14 whether an individual is infected with HIV.

15 (B) The term “HIV” means the human
16 immunodeficiency virus.

17 (C) The term “human immunodeficiency virus”
18 means the etiologic agent for acquired immune defi-
19 ciency syndrome.

20 (3) The term “results”, with respect to a HIV
21 test of an individual, means a medically valid deter-
22 mination that the individual is not infected with the
23 human immunodeficiency virus, or is infected with
24 the virus, as the case may be.

1 **SEC. 4. EFFECTIVE DATE.**

2 This Act is effective in the case of HIV testing con-
3 ducted on or after the date of the enactment of this Act.

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