

104TH CONGRESS  
1ST SESSION

# H. R. 1289

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 1995

Mr. ACKERMAN (for himself, Ms. ROS-LEHTINEN, Mr. MCCOLLUM, Mrs. SCHROEDER, Mr. SMITH of New Jersey, Mr. LEWIS of Georgia, Mr. DELAY, Mr. McDERMOTT, Ms. MOLINARI, Mr. TAUZIN, Mr. GILMAN, Mr. MFUME, Mrs. KENNELLY, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BAESLER, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BEILENSON, Mr. BENTSEN, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BISHOP, Mr. BOEHLERT, Mr. BORSKI, Mr. BOUCHER, Mr. BREWSTER, Mr. BROWDER, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. BRYANT of Tennessee, Mr. BRYANT of Texas, Mr. BURTON of Indiana, Mr. CALAHAN, Mr. CALVERT, Mr. CANADY of Florida, Mr. CHAPMAN, Mrs. CHENOWETH, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. COLEMAN, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONDIT, Mr. CONYERS, Mr. COSTELLO, Mr. COYNE, Mr. CRAMER, Mr. DEFazio, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DICKS, Mr. DIXON, Mr. DORNAN, Mr. DOYLE, Mr. EDWARDS, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. EVERETT, Mr. FARR, Mr. FATTAH, Mr. FAZIO of California, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mr. FOX of Pennsylvania, Mr. FRISA, Mr. FROST, Mr. FUNDERBURK, Ms. FURSE, Mr. GALLEGLY, Mr. GEJDENSON, Mr. PETE GEREN of Texas, Mr. GIBBONS, Mr. GILLMOR, Mr. GORDON, Mr. GOSS, Mr. GENE GREEN of Texas, Mr. GREENWOOD, Mr. GUTIERREZ, Mr. GUTKNECHT, Mr. HALL of Ohio, Mr. HALL of Texas, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HAYES, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. HOLDEN, Mr. HOUGHTON, Mr. HOYER, Mr. INGLIS of South Carolina, Ms. JACKSON-LEE, Mr. JACOBS, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KILDEE, Mr. KING, Mr. KINGSTON, Mr. KLECZKA, Mr. KLINK, Mr. LAFALCE, Mr. LANTOS, Mr. LAUGHLIN, Mr. LAZIO of New York, Mr. LEVIN, Mrs. LINCOLN, Mr. LIPINSKI, Ms. LOFGREN, Mrs. LOWEY, Mr. MANTON, Mr. MANZULLO, Mr. MARTINEZ, Mr. MARTINI, Mr. MASCARA, Mr. MATSUI, Ms. MCCARTHY, Mr. MCHALE, Mr. MCHUGH, Ms. MCKINNEY, Mr. McNULTY, Mr. MEEHAN,

Mrs. MEEK of Florida, Mr. METCALF, Mr. MENENDEZ, Mr. MILLER of Florida, Mr. MILLER of California, Mr. MINETA, Mr. MINGE, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MORAN, Mr. MURTHA, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. ORTIZ, Mr. ORTON, Mr. PALLONE, Mr. PARKER, Mr. PASTOR, Mr. PAXON, Mr. PAYNE of Virginia, Mr. PAYNE of New Jersey, Mr. PETERSON of Florida, Mr. PICKETT, Mr. POMBO, Mr. POMEROY, Mr. POSHARD, Ms. PRYCE, Mr. QUINN, Mr. RAHALL, Mr. RANGEL, Mr. REYNOLDS, Mr. RICHARDSON, Ms. RIVERS, Mr. ROHRBACHER, Mr. ROSE, Mrs. ROUKEMA, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. RUSH, Mr. SABO, Mr. SAWYER, Mr. SCHIFF, Mr. SCOTT, Mr. SHAW, Mr. SKELTON, Mrs. SMITH of Washington, Mr. SOLOMON, Mr. SOUDER, Mr. STARK, Mr. STEARNS, Mr. STENHOLM, Mr. STOCKMAN, Mr. STOKES, Mr. STUMP, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. TEJEDA, Mr. THOMAS, Mr. THOMPSON, Mrs. THURMAN, Mr. TORKILDSEN, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mr. UNDERWOOD, Mr. UPTON, Mr. VENTO, Mr. VISCLOSKY, Mr. VOLKMER, Mrs. WALDHOLTZ, Ms. WATERS, Mr. WATT of North Carolina, Mr. WELLER, Mr. WILLIAMS, Mr. WILSON, Mr. WISE, Ms. WOOLSEY, Mr. WYDEN, Mr. WYNN, Mr. YATES, Mr. YOUNG of Alaska, and Mr. ZIMMER) introduced the following bill; which was referred to the Committee on Commerce

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## 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

1 State (or the State conducts an HIV test of the infant),  
2 the State shall promptly disclose the results of the testing  
3 in accordance with the following, as applicable to the in-  
4 fant involved:

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

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

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

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

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

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

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

1 (b) HIV COUNSELING.—In disclosing test results  
2 under subsection (a) to an individual (other than a disclo-  
3 sure to an official of a State or an authorized agency),  
4 the State shall ensure that appropriate counseling on the  
5 human immunodeficiency virus is provided to the individ-  
6 ual.

7 **SEC. 3. DEFINITIONS.**

8 For purposes of this Act:

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

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

17 (B) The term “HIV” means the human  
18 immunodeficiency virus.

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

22 (3) The term “results”, with respect to a HIV  
23 test of an individual, means a medically valid deter-  
24 mination that the individual is not infected with the

1 human immunodeficiency virus, or is infected with  
2 the virus, as the case may be.

3 **SEC. 4. EFFECTIVE DATE.**

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

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