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MOTION

I move to accept the specific recommendations of the Governor as to House Bill 1759 in manner and form as follows:

AMENDMENT TO HOUSE BILL 1759

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1759, on page 2, line 12, by replacing "therefore" with "and"; and

on page 2, below line 12, by inserting:

"WHEREAS, The public health will be served by expanding the availability of informed, voluntary, and confidential HIV testing and making HIV testing a routine part of general medical care, as recommended by the United States Centers for Disease Control and Prevention; therefore"; and

on page 2, line 20, by inserting ", unless she has already been tested during the current pregnancy," after the word "shall"; and

on page 2, line 21, by inserting ", as described in subpart (d) of this Section," after "counseling"; and

on page 2, line 21, by inserting "shall test her for HIV unless she refuses. A refusal may be verbal or in writing." after "and"; and

1 on page 2, line 21, by replacing "recommend HIV testing, unless  
2 she declines in" with "~~recommend HIV testing, unless~~"; and

3 on page 3, lines 1 and 2, by replacing "writing or she has  
4 already received an HIV test during pregnancy." with "~~she has~~  
5 ~~already received an HIV test during pregnancy.~~"; and

6 on page 3, line 4, by deleting "provide ~~recommend~~" and  
7 inserting "recommend"; and

8 on page 3, lines 8 through 11, by replacing "The health care  
9 professional shall inform the pregnant woman that, should she  
10 refuse HIV testing during pregnancy, her newborn infant will be  
11 tested for HIV." with "~~The health care professional shall~~  
12 ~~inform the pregnant woman that, should she refuse HIV testing~~  
13 ~~during pregnancy, her newborn infant will be tested for HIV.~~";  
14 and

15 on page 3, lines 11 and 12, by deleting ", offer of testing,  
16 and whether the woman accepted or declined testing" and  
17 replacing it with "and testing or refusal of testing"; and

18 on page 3, line 15, by inserting ", unless she has already been  
19 tested during the current pregnancy," after "shall"; and

1 on page 3, line 16, by inserting ", as described in subpart (d)  
2 of this Section," after "counseling"; and

3 on page 3, line 17, by deleting "refuses in writing." and  
4 replacing it with "refuses. A refusal may be verbal or in  
5 writing."; and

6 on page 3, lines 18 and 19, by replacing "No counseling or  
7 ~~offer of~~ testing is required if already provided during the  
8 women's pregnancy." with "~~No counseling or offer of testing is~~  
9 ~~required if already provided during the women's pregnancy.~~";  
10 and

11 on page 3, lines 20 and 21, by deleting ", whether the woman  
12 accepted or declined testing, and offer of testing" and  
13 replacing it with "and testing or refusal of testing ~~and offer~~  
14 ~~of testing~~"; and

15 on page 4, line 8, by inserting "as described in subsection (d)  
16 of this Section" after "counseling"; and

17 on page 4, lines 15 through 18, by deleting:

18 "requirement that HIV testing be performed unless in is  
19 declined in writing.

20 (2) A woman's right to decline testing and how to do so  
21 and the"; and

1 in page 4, line 18, by replacing "testing and" with "testing,  
2 ~~and~~"; and

3 on page 4, line 19, by inserting ", and the requirement that  
4 HIV testing be performed unless she refuses and the methods by  
5 which she can refuse" after "transmission"; and

6 on page 4, line 20, by deleting "(3) ~~(2)~~" and inserting "(2)";  
7 and

8 on page 4, line 20, by inserting "herself and" after "for"; and

9 on page 4, line 23, by deleting "(4) ~~(3)~~" and inserting "(3)";  
10 and

11 on page 4, line 25, by deleting "(5) ~~(4)~~" and inserting "(4)";  
12 and

13 on page 5, after line 1, by inserting:

14 "(5) The requirement for mandatory testing of the  
15 newborn if the mother's HIV status is unknown at the time  
16 of delivery.

17 (6) An explanation of the test, including its purpose,  
18 limitations, and the meaning of its results.

19 (7) An explanation of the procedures to be followed.

1           (8) The availability of additional or confirmatory  
2           testing, if appropriate. Counseling may be provided in  
3           writing, verbally, or by video, electronic, or other means.  
4           The woman must be offered an opportunity to ask questions  
5           about testing and to decline testing for herself."; and

6 on page 5, lines 2 through 15, by deleting:

7           "Notwithstanding any other provision of law, including, but not  
8           limited to the AIDS Confidentiality Act, consent for HIV  
9           testing of a pregnant woman is established when:

10           (1) the pregnant woman signs a general consent for  
11           prenatal or medical care that includes:

12                   (A) specific information regarding HIV testing;

13                   and

14                   (B) the option to decline such testing in writing;

15                   and

16           (2) the counseling as set forth in subsection (d) of  
17           this Section and the AIDS Confidentiality Act has been  
18           provided; and

19           (3) the pregnant woman has not declined the testing in  
20           writing."; and

21 on page 5, lines 16 through 18, by deleting "~~All counseling and~~  
22 ~~testing must be performed in accordance with the standards set~~  
23 ~~forth in the AIDS Confidentiality Act, including the"~~ and  
24 inserting "All counseling and testing must be performed in

1 accordance with the standards set forth in the AIDS  
2 Confidentiality Act, including the"; and

3 on page 5 lines 18 through 20, by deleting "~~informed consent~~  
4 ~~provisions of Sections 4, 7, and 8 of that Act, with the~~  
5 ~~exception of the requirement of consent for testing of newborn~~  
6 ~~infants.~~" and inserting "informed consent provisions of  
7 Section 4, 7, and 8 of that Act, with the exception of the  
8 requirement of consent for testing of newborn infants."; and

9 on page 6, line 2, by inserting "by July 1, 2008" after "Act".

10 Date: \_\_\_\_\_, 2007 \_\_\_\_\_