

August 14, 2007

To the Honorable Members of the
Illinois House of Representatives
95th General Assembly

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 1759, entitled "AN ACT concerning public health," with the following specific recommendations for change:

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

on page 2, line 21, by deleting "recommend HIV testing, unless she declines in"; and

on page 3, line 1 through 2, by deleting "writing or she has already received an HIV test during pregnancy."; and

on page 3, line 4, by deleting "provide" and reinserting "recommend"; and

on page 3, line 8 through 11, by deleting "The health care professional shall inform the pregnant woman that, should she refuse HIV testing during pregnancy, her newborn infant will be tested for HIV."; and

on page 3, line 11 through 12, by deleting “offer of testing, and whether the woman accepted or declined testing” and replacing it with “and testing or refusal of testing”; and

on page 3, line 15, by inserting “, unless she has already been tested during the current pregnancy.” after “shall”; and

on page 3, line 16, by inserting “, as described in subpart (d) of this section,” after “counseling”; and

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

on page 3, line 18 through 19, by deleting “No counseling or testing is required if already provided during the woman’s pregnancy.”; and

on page 3, line 20 through 21, by deleting “, whether the woman accepted or declined testing, and offer of testing.” and replacing it with “and testing or refusal of testing”; and

on page 4, line 8, by inserting “as described in subsection (d) of this section” after “counseling”; and

on page 4, line 15 through 18, by deleting “requirement that HIV testing be performed unless it is declined in writing. (2) A woman’s right to decline testing and how to do so and the”; and

on page 4, line 18, by replacing “testing and” with “testing.”; and

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

on page 4, line 20, by deleting “(3)” and reinserting “(2)”; and

on page 4, line 20, by inserting “herself and” after “for”; and

on page 4, line 23, by deleting “(4)” and reinserting “(3)”; and

on page 4, line 25, by deleting “(5)” and reinserting “(4)”; and

on page 5, after line 1, by inserting “(5) The requirement for mandatory testing of the newborn if the mother’s HIV status is unknown at the time of delivery. (6) An explanation of the test, including its purpose, limitations, and the meaning of its results. (7) An explanation of the procedures to be followed. (8) The availability of additional or confirmatory testing, if appropriate. Counseling may be provided in writing, verbally, or by video, electronic, or other means. The woman must be offered an opportunity to ask questions about testing and to decline testing for herself.”; and

on page 5, line 2 through 15, by deleting “Notwithstanding any other provision of law, including, but not limited to the AIDS Confidentiality Act, consent for HIV testing of a pregnant woman is established when: (1) the pregnant woman signs a general consent for prenatal or medical care that includes : (A) specific information regarding HIV testing; and (B) the option to decline such testing in writing; and (2) the counseling as set forth in subsection (d) of this Section and the AIDS Confidentiality Act has been provided, and (3) the pregnant woman has not declined the testing in writing.”; and

on page 5, line 16 through 18, by reinserting "All counseling and testing must be performed in accordance with the standards set forth in the AIDS Confidentiality Act, including the"; and

on page 5, line 18 through 20, by reinserting "informed consent provisions of Sections 4, 7, and 8 of that Act, with the exception of the requirement of consent for testing of newborn infants."; and

on page 6, line 2, by inserting "by July 1, 2008" after "Act"; and

With these changes, House Bill 1759 will have my approval. I respectfully request your concurrence.

Sincerely,

ROD R. BLAGOJEVICH
Governor