

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

### MR. SPEAKER:

I move that Engrossed Senate Bill 261 be amended to read as follows:

- 1 Page 1, delete lines 1 through 15.
- 2 Page 2, delete lines 1 through 13.
- 3 Page 2, line 35, delete "Subject to IC 16-41-17-2(c), each newborn
- 4 may be tested" and insert "**The test is ordered under section 4 of this**
- 5 **chapter.**".
- 6 Page 2, delete line 36.
- 7 Page 2, delete lines 39 through 42.
- 8 Delete page 3.
- 9 Page 4, delete lines 1 through 8, begin a new paragraph and insert:
- 10 "SECTION 2. IC 16-41-6-4 IS ADDED TO THE INDIANA
- 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 1998]: **Sec. 4. (a) Subject to subsection (e), if:**
- 13 **(1) the mother of a newborn infant has not had a test**
- 14 **performed under IC 16-41-6-2.5;**
- 15 **(2) the mother of a newborn infant has refused a test for the**
- 16 **newborn infant to detect the human immunodeficiency virus**
- 17 **(HIV) or the antibody or antigen to HIV; and**
- 18 **(3) a physician believes that testing the newborn infant is**
- 19 **medically necessary;**
- 20 **the physician may order a confidential test for the newborn infant**
- 21 **in order to detect the human immunodeficiency virus (HIV) or the**
- 22 **antibody or antigen to HIV. The test must be ordered at the**
- 23 **earliest feasible time not exceeding forty-eight (48) hours after the**
- 24 **birth of the infant.**

- 1           **(b) If the physician orders a test under subsection (a), the**
- 2 **physician must:**
- 3           **(1) notify the mother of the newborn infant of the test; and**
- 4           **(2) provide human immunodeficiency virus (HIV)**
- 5 **information and counseling to the mother. The information**
- 6 **and counseling must include the following:**
- 7           **(A) The purpose of the test.**
- 8           **(B) The risks and benefits of the test.**
- 9           **(C) A description of the methods of HIV transmission.**
- 10           **(D) A discussion of risk reduction behavior**
- 11 **modifications, including methods to reduce the risk of**
- 12 **perinatal HIV transmission and HIV transmission**
- 13 **through breast milk.**
- 14           **(E) Referral information to other HIV prevention,**
- 15 **health care, and psychosocial services.**
- 16           **(c) The confidentiality provisions of IC 16-41-2-3 apply to this**
- 17 **section.**
- 18           **(d) The results of the confidential test ordered under**
- 19 **subsection (a) must be released to the mother of the newborn**
- 20 **infant.**
- 21           **(e) If the parent of the newborn infant objects in writing for**
- 22 **reasons pertaining to religious beliefs, the newborn infant is**
- 23 **exempt from the test under subsection (a).**
- 24           **(f) The state department shall adopt rules under IC 4-22-2 to**
- 25 **carry out this section."**
- 26           Page 4, line 12, delete "IC 16-41-17-2(b)" and insert "**IC**
- 27 **16-41-6-4(a)**".
- 28           Page 4, line 17, delete "IC 16-41-17-2(b)" and insert "**IC**
- 29 **16-41-6-4(a)**".
- 30           Renumber all SECTIONS consecutively.
- (Reference is to ESB 261 as printed February 13, 1998.)

---

Representative Crawford