



SPONSOR: Sen. Henry & Rep. M. Marshall
Sens. Blevins, Cloutier, Connor, Hall-Long, Katz,
McDowell, Peterson, Sokola, Sorenson & Rep. Keeley

DELAWARE STATE SENATE
145th GENERAL ASSEMBLY

SENATE BILL NO. 86

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH AND SAFETY,
INFORMED CONSENT AND HIV TESTING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 WHEREAS, the incidence of HIV among pregnant women has steadily increased over the past years; and

2 WHEREAS, babies born to mothers who have not been treated for HIV may inherit the condition and suffer all the
3 associated illnesses and problems; and

4 WHEREAS, screening all pregnant mothers for HIV will have the beneficial effect of decreasing the rate of
5 neonatal infection of HIV; and

6 WHEREAS, the ACOG, the AAP, the CDC and the Institute of Medicine all recommend prenatal HIV testing as
7 part of routine prenatal care;

8 NOW THEREFORE:

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

10 Section 1. Amend Title 16, Section 1202(c) of the Delaware Code by adding a new subsection (7) as follows:

11 “(7) The testing is done on a pregnant woman as defined in §1204 of this chapter.”

12 Section 2. Amend Title 16, Section 1204(a) of the Delaware Code by deleting at the end of the first sentence the
13 phrase “request of each such pregnant woman informed consent to such testing”, and inserting in its place the phrase
14 “include a test for Human Immunodeficiency Virus (HIV) infection among the standard battery of prenatal tests
15 administered to each such pregnant woman, unless such pregnant woman opts out”.

SYNOPSIS

This Bill removes the stigma of HIV testing for pregnant women by including it in the standard battery of tests administered for all pregnant women. It will have the added beneficial effect of decreasing the rate of neonatal infection of HIV. It preserves the right of a pregnant woman to opt out of receiving the test.

Author: Senator Henry