

AN ACT in relation to health.

Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:

Section 1. Short title. This Act may be cited as the  
Perinatal HIV Prevention Act.

Section 5. Definitions. In this Act:

"Health care professional" means a physician licensed to  
practice medicine in all its branches, a physician assistant  
who has been delegated the provision of health services by  
his or her supervising physician, or an advanced practice  
registered nurse who has a written collaborative agreement  
with a collaborating physician that authorizes the provision  
of health services.

"Health care facility" or "facility" means any hospital  
or other institution that is licensed or otherwise authorized  
to deliver health care services.

"Health care services" means any prenatal medical care or  
labor or delivery services to a pregnant woman and her  
newborn infant, including hospitalization.

Section 10. HIV counseling and offer of HIV testing  
required.

(a) Every health care professional who provides health  
care services to a pregnant woman shall provide the woman  
with HIV counseling and offer HIV testing, unless she has  
already received an HIV test during pregnancy. HIV testing  
shall be provided with the woman's consent. A health care  
professional shall provide the counseling and offer the  
testing as early in the woman's pregnancy as possible. For  
women at continued risk of exposure to HIV infection in the  
judgment of the health care professional, a repeat test

should be offered late in pregnancy. The counseling and offer of testing shall be documented in the woman's medical record.

(b) Every health care professional or facility that cares for a pregnant woman during labor or delivery shall provide the woman with HIV counseling and offer HIV testing. HIV testing shall be provided with the woman's consent. No counseling or offer of testing is required if already provided during the woman's pregnancy. The counseling and offer of testing shall be documented in the woman's medical record. Any testing or test results shall be documented in accordance with the AIDS Confidentiality Act.

(c) Every health care professional or facility caring for a newborn infant shall, upon delivery or within 48 hours after the infant's birth, provide counseling to the parent or guardian of the infant and perform HIV testing, when the HIV status of the infant's mother is unknown, if the parent or guardian does not refuse. The health care professional or facility shall document in the woman's medical record that counseling and the offer of testing were given, and that no written refusal was given.

(d) The counseling required under this Section must be provided in accordance with the AIDS Confidentiality Act and must include the following:

(1) The benefits of HIV testing for the pregnant woman, including the prevention of transmission.

(2) The benefit of HIV testing for the newborn infant, including interventions to prevent HIV transmission.

(3) The side effects of interventions to prevent HIV transmission.

(4) The statutory confidentiality provisions that relate to HIV and acquired immune deficiency syndrome ("AIDS") testing.

(5) The voluntary nature of the testing, including

the opportunity to refuse testing of a newborn infant in writing.

(e) All counseling and testing must be performed in accordance with the standards set forth in the AIDS Confidentiality Act, with the exception of the requirement of consent for testing of newborn infants. Consent for testing of a newborn infant shall be presumed when a health care professional or health care facility seeks to perform a test on a newborn infant whose mother's HIV status is not known, provided that the counseling required under subsection (d) has taken place and the newborn infant's parent or guardian has not indicated in writing that he or she refuses to allow the newborn infant to receive HIV testing.

(f) The Illinois Department of Public Health shall adopt necessary rules to implement this Act.

Section 99. Effective date. This Act takes effect upon becoming law.