
A BILL FOR AN ACT

RELATING TO INFECTIOUS AND COMMUNICABLE DISEASES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 325, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§325- HIV testing; pregnancy screening. (a) Every
5 health care provider who assumes responsibility for the prenatal
6 care of pregnant women and at delivery shall be required to test
7 pregnant women for human immunodeficiency virus (HIV) except in
8 cases where the woman refuses the testing.

9 (b) If at the time of delivery there is no written
10 evidence that an HIV test has been performed, the physician or
11 other health care provider in attendance at the delivery shall
12 order that a sample of the woman's blood be taken or a rapid
13 oral test administered at the time of the delivery except in
14 cases where the woman refuses the testing.

15 (c) The woman shall be informed of the test to be
16 conducted and her right to refuse pursuant to section 325-16.
17 If the woman tests positive, counseling services provided by the
18 department of health shall be made available to her and she



1 shall be referred to appropriate medical care providers for
2 herself and her child.

3 (d) If for any reason the pregnant woman is not tested for
4 HIV, that fact shall be recorded in the patient's records,
5 which, if based upon the refusal of the patient, shall relieve
6 the physician or other health care provider of any other
7 responsibility under this section.

8 (e) Confidentiality. The confidentiality of all records
9 held pursuant to this section is governed by section 325-101.

10 (f) Civil penalty. Any person or institution who wilfully
11 violates any provision of this section shall be fined not less
12 than \$1,000 nor more than \$10,000 for each violation plus
13 reasonable court costs and attorney's fees as determined by the
14 court, which penalty and costs shall be paid to the person whose
15 records were released. This subsection shall not be construed
16 as limiting the right of any person or persons to recover actual
17 damages.

18 (g) The department of health shall adopt rules, pursuant
19 to chapter 91, to establish procedures and standards to
20 implement this section."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

HIV; Pregnancy Screening

Description:

Requires health care providers to administer HIV tests for any woman being provided prenatal care unless the woman specifically refuses.

