
SENATE BILL NO. 266—SENATOR HORSFORD

MARCH 13, 2007

JOINT SPONSOR: ASSEMBLYMAN PARKS

Referred to Committee on Human Resources and Education

SUMMARY—Requires the performance of tests for the human immunodeficiency virus for pregnant women and newborn children. (BDR 40-1063)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; requiring the performance of a standard serological test for the human immunodeficiency virus during the first trimester of a woman’s pregnancy unless the woman chooses not to be tested; requiring under certain circumstances the performance of a rapid test for the human immunodeficiency virus during a pregnant woman’s third trimester or at childbirth unless the woman chooses not to be tested; requiring the performance of a test for the human immunodeficiency virus on a newborn child unless the performance of the test is contrary to the religious beliefs of a parent of the child; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 2** of this bill requires a provider of health care to ensure that a woman
2 receives, as part of the routine prenatal care recommended for all pregnant women
3 during the first trimester of pregnancy, a standard serological test for the human
4 immunodeficiency virus unless the woman chooses not to be tested. **Section 3** of
5 this bill requires a provider of health care to ensure that a pregnant woman receives
6 a rapid test for human immunodeficiency virus during her third trimester or at
7 childbirth if she receives health care in a high-prevalence or high-risk clinical
8 setting or she reports that she has one or more of the risk factors identified by the
9 Centers for Disease Control and Prevention.



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10 **Section 3** of this bill requires a provider of health care who attends or assists at
11 the delivery of a child to ensure that a test for the human immunodeficiency virus is
12 performed on the child unless a parent objects that performance of the test is
13 contrary to the religious beliefs of the parent.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 442 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *A provider of health care who provides prenatal*
4 *care to a woman during the first trimester of her pregnancy shall*
5 *ensure that, at her first visit or as soon thereafter as practicable, a*
6 *sample of the woman's blood is submitted to a qualified laboratory*
7 *for the performance of the routine prenatal screening tests*
8 *recommended for all pregnant women by the Centers for Disease*
9 *Control and Prevention, including, without limitation, a standard*
10 *serological test for the human immunodeficiency virus, unless the*
11 *woman chooses not to be tested for the human immunodeficiency*
12 *virus.*

13 2. *A provider of health care who provides prenatal care to a*
14 *woman during the third trimester of her pregnancy or who attends*
15 *or assists her at childbirth shall ensure that the woman receives a*
16 *rapid test for the human immunodeficiency virus if she:*

17 (a) *Has not been tested for the human immunodeficiency virus*
18 *earlier during her pregnancy or the results of an earlier test are*
19 *not available; or*

20 (b) *Is at high risk for infection with the human*
21 *immunodeficiency virus,*

22 *↪ unless the woman chooses not to be tested.*

23 3. *For the purposes of this section, a woman is at high risk*
24 *for infection with the human immunodeficiency virus if she:*

25 (a) *Receives health care in a clinical setting that has been*
26 *identified by the Centers for Disease Control and Prevention as a*
27 *high-risk or high-prevalence clinical setting; or*

28 (b) *Reports having one or more of the risk factors identified by*
29 *the Centers for Disease Control and Prevention, including,*
30 *without limitation:*

31 (1) *Engaging in sexual activities with more than one person*
32 *during the pregnancy without using effective measures to protect*
33 *against the transmission of the human immunodeficiency virus.*

34 (2) *Engaging in sexual activity with another person in*
35 *exchange for money or other compensation.*

36 (3) *Engaging in sexual activity with another person who:*

37 (I) *Is infected with the human immunodeficiency virus;*



- 1 (II) *Has a sexual orientation for bisexuality;*
2 (III) *Has used a hypodermic device for the intravenous*
3 *injection of a controlled substance or a dangerous drug; or*
4 (IV) *Has engaged in sexual activity with another person*
5 *in exchange for money or other compensation.*
6 (4) *Receiving treatment for a sexually transmitted disease.*
7 (5) *Using a hypodermic device for the intravenous injection*
8 *of a controlled substance or a dangerous drug.*
9 (6) *Receiving a blood transfusion between 1978 and 1985,*
10 *inclusive.*
11 (7) *Requesting a test for the human immunodeficiency*
12 *virus without reporting another risk factor.*
13 4. *As used in this section:*
14 (a) *“Dangerous drug” has the meaning ascribed to it in*
15 *NRS 454.201.*
16 (b) *“Medical laboratory” means a medical laboratory that is*
17 *licensed pursuant to chapter 652 of NRS.*
18 (c) *“Provider of health care” has the meaning ascribed to it in*
19 *NRS 629.031. The term includes a midwife and an obstetric center*
20 *licensed pursuant to chapter 449 of NRS.*
21 (d) *“Rapid test for the human immunodeficiency virus” means*
22 *a test that:*
23 (1) *Is approved by the United States Food and Drug*
24 *Administration;*
25 (2) *Is used to detect the presence of antibodies to the*
26 *human immunodeficiency virus; and*
27 (3) *Provides a result in 30 minutes or less.*
28 **Sec. 3. 1. A provider of health care who attends or assists**
29 *at the delivery of a child shall ensure that a test for the human*
30 *immunodeficiency virus is performed on the child unless a parent*
31 *of the child objects to the performance of the test because it is*
32 *contrary to the religious beliefs of the parent.*
33 2. *As used in this section, “provider of health care” has the*
34 *meaning ascribed to it in NRS 629.031. The term includes a*
35 *midwife and an obstetric center licensed pursuant to chapter 449*
36 *of NRS.*

