AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING REVISIONS TO THE STATUTES CONCERNING THE HUMAN IMMUNODEFICIENCY VIRUS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 19a-90 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

(a) [Each physician] A health care provider giving prenatal care to a pregnant woman in this state during gestation shall [take or cause to be taken] order a blood sample of [each] such woman [within] for each of the following serological tests: (1) Not later than thirty days [from] after the date of the first prenatal examination, [and during the final trimester between the twenty-sixth and twenty-eighth week of gestation or shortly thereafter subject to the provisions of this section, and shall submit such sample to an approved laboratory for a standard serological test for syphilis and an] a serological test for HIV and syphilis; (2) not later than twenty-eight to thirty-two weeks of gestation, a serological test for syphilis; (3) not later than thirty-two to thirty-six weeks of gestation, a serological test for HIV; and (4) at the time of delivery, a serological test for HIV and syphilis, provided the woman presents to labor and delivery without documentation of the required serological testing prescribed under subdivisions (2) and (3) of this subsection. No pregnant woman shall be subject to serological
testing more than once during each of the time frames outlined in subdivisions (1) to (4), inclusive. A pregnant woman's consent to the HIV-related test, as defined in section 19a-581, [provided] shall be consistent with the consent [is] given for the HIV-related test [consistent with] prescribed under section 19a-582, as amended by this act. [Each other person permitted by law to attend upon pregnant women in the state, but not permitted by law to take blood tests, shall cause a blood sample of each pregnant woman so attended to be taken by a licensed physician in accordance with the time schedule and requirements of this section and such sample shall be submitted to an approved laboratory for a standard serological test for syphilis and an HIV-related test, provided consent is given for the HIV-related test consistent with section 19a-582. A blood sample taken at the time of delivery shall not meet the requirement for a blood sample during the final trimester. The term "approved laboratory" means a laboratory approved for this purpose by the Department of Public Health. A standard serological test for syphilis is a test recognized as such by the Department of Public Health.] The laboratory tests required by this section shall be made on request without charge by the Department of Public Health. For purposes of this subsection, "health care provider" means a physician licensed pursuant to chapter 370, advanced practice registered nurse licensed pursuant to chapter 378, physician assistant licensed pursuant to chapter 370 or nurse midwife licensed pursuant to chapter 372.

(b) The provisions of this section shall not apply to any woman who objects to a blood test as being in conflict with her religious tenets and practices.

Sec. 2. Section 19a-124 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

(a) The Department of Public Health shall establish, within available appropriations, [needle and] syringe [exchange] services programs to enhance health outcomes of people who inject drugs in any community impacted by the human immunodeficiency virus or
hepatitis C. The department shall establish protocols in accordance
with the provisions of subsection (b) of this section. The department
may authorize programs, as determined by the commissioner, through
local health departments or other local organizations.

(b) The programs shall: (1) Be incorporated into existing human
immunodeficiency virus and hepatitis C outreach and prevention
programs in the selected communities; (2) provide [for] access to free
and confidential exchanges of [needles and] syringes; [and (A) provide
that program participants receive an equal number of needles and
syringes for those returned; and (B)] (3) provide for safe disposal or
exchange of syringes; (4) provide that first-time applicants to the
program receive an initial packet of [needles and] syringes, 
educational material and a list of drug counseling services; [(3)] (5)
offer education on the human immunodeficiency virus, hepatitis C;
reduction in harm caused by such viruses, and drug overdose
prevention measures and assist program participants in obtaining
drug treatment services; [(4)] (6) provide referrals for substance abuse
counseling or treatment; and [(5)] (7) provide referrals for medical or
mental health care.

(c) The department shall require programs to include an annual
evaluation component to monitor (1) the number of syringes
distributed and collected, (2) program participation rates, (3) the
number of participants who are referred to treatment, and (4) the
incidence of human immunodeficiency virus from injection drug use
to determine if there is a reduction in the result of the syringe services
program.

(d) [Any organization conducting a needle and] The local health
department or community-based organization of each community
conducting a syringe [exchange] services program shall submit a
report evaluating the effectiveness of the program to the Department
of Public Health.

Sec. 3. Subsection (c) of section 19a-582 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

(c) At the time of communicating the test result to the subject of the test, a person ordering the performance of an HIV-related test shall provide the subject of the test or the person authorized to consent to health care for the subject with counseling or referrals for counseling, as needed: (1) [For coping with the emotional consequences of learning the result; (2) regarding the discrimination problems that disclosure of the result could cause; (3) for behavior change to prevent transmission or contraction of HIV infection; (4) to] To inform such person of available medical treatments and medical services; [(5)] (2) regarding local or community-based HIV/AIDS support services agencies; [(6)] (3) to work towards the goal of involving a minor's parents or legal guardian in the decision to seek and in the ongoing provision of medical treatment; and [(7)] (4) regarding the need of the test subject to notify his partners and, as appropriate, provide assistance or referrals for assistance in notifying partners; except that if the subject of the test is a minor who was tested without the consent of his parents or guardian, such counseling shall be provided to such minor at the time of communicating such test result to such minor. A health care provider or health facility shall not withhold test results from the protected individual. [The protected individual may refuse to receive his test result but the person ordering the performance of the test shall encourage him to receive the result and to adopt behavior changes that will allow him to protect himself and others from infection.]

Sec. 4. Subsection (a) of section 19a-7p of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2017):

(a) Not later than September first, annually, the Secretary of the Office of Policy and Management, in consultation with the Commissioner of Public Health, shall (1) determine the amounts appropriated for the [needle and] syringe [exchange] services program, AIDS services, breast and cervical cancer detection and
treatment, x-ray screening and tuberculosis care, and venereal disease control; and (2) inform the Insurance Commissioner of such amounts.

Sec. 5. Subsections (a) and (b) of section 21a-65 of the general statutes are repealed and the following is substituted in lieu thereof (Effective October 1, 2017):

(a) A licensed manufacturer or licensed wholesaler may sell hypodermic needles and syringes only to the following: (1) To a licensed manufacturer, licensed wholesaler or licensed pharmacy; (2) to a physician, dentist, veterinarian, embalmer, podiatrist or scientific investigator licensed to practice in this state; (3) to a person in charge of a care-giving institution, as defined in subdivision (2) of section 20-571, incorporated college or scientific institution, but only for use by or in such care-giving institution, college or institution for medical or scientific purposes; (4) to a person in charge of a licensed or registered laboratory, but only for use in that laboratory for scientific and medical purposes; (5) to a farmer but only for use on the farmer's own animals or poultry; (6) to a business authorized in accordance with the regulations adopted under section 21a-66 to purchase hypodermic needles and syringes but only for legitimate industrial or medical use within that business; and (7) to a [needle and] syringe [exchange] services program established pursuant to section 19a-124, as amended by this act.

(b) Except as provided in subsection (a) of this section, no licensed manufacturer, licensed wholesaler or licensed pharmacist shall sell and no person shall buy a hypodermic needle or syringe except upon a prescription of a prescribing practitioner, as defined in subdivision (22) of section 20-571, in a quantity greater than ten. Any such prescription shall be retained on file by the seller for a period of not less than three years and shall be accessible to any public officer engaged in the enforcement of this section. Such a prescription shall be valid for one year from the date thereof and purchases and sales may be made thereunder during such period, provided the seller shall confirm the continued need for such sales with such practitioner at least every six
months if sales continue to be made thereunder. Hypodermic needles and syringes in a quantity of ten or less without a prescription may be provided or sold at retail only by the following: (1) By a pharmacy licensed in accordance with section 20-594 and in such pharmacy only by a licensed pharmacist or under his direct supervision; (2) by a [needle exchange] syringe services program established pursuant to section 19a-124, as amended by this act; and (3) by a health care facility or a licensed health care practitioner for use by their own patients.

This act shall take effect as follows and shall amend the following sections:

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<tr>
<th>Section</th>
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<td>1</td>
<td>July 1, 2017</td>
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<tr>
<td>2</td>
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<td>19a-124</td>
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<td>3</td>
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<td>19a-582(c)</td>
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<td>4</td>
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<td>5</td>
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**Statement of Legislative Commissioners:**
In Section 1(a), "The HIV-related test," was changed to "A pregnant woman's consent to the HIV-related test," for clarity.

*PH Joint Favorable Subst.*