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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1220 Session of  
2019

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INTRODUCED BY CRUZ, DiGIROLAMO, BURGOS, YOUNGBLOOD, SCHLOSSBERG,  
HILL-EVANS, MURT, MULLINS, MARKOSEK, BOYLE, SCHWEYER, KINSEY  
AND HOWARD, APRIL 15, 2019

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REFERRED TO COMMITTEE ON HUMAN SERVICES, APRIL 15, 2019

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AN ACT

1 Providing for cytomegalovirus education and newborn testing.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the CMV Education  
6 and Newborn Testing Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall  
9 have the meanings given to them in this section unless the  
10 context clearly indicates otherwise:

11 "Birthing facility." An inpatient or ambulatory health care  
12 facility licensed by the department that provides birthing and  
13 newborn care services.

14 "CMV." Cytomegalovirus.

15 "Department." The Department of Health of the Commonwealth.

16 "Health care practitioner." The term shall have the same  
17 meaning as defined in section 103 of the act of July 19, 1979

1 (P.L.130, No.48), known as the Health Care Facilities Act.

2 "Newborn child." A child under 28 days of age.

3 Section 3. Informational publications by department.

4 (a) General rule.--The department shall make the following  
5 available on the department's publicly accessible Internet  
6 website:

7 (1) Up-to-date, evidence-based information about CMV  
8 that has been reviewed by medical experts and national CMV  
9 organizations. The information provided shall include the  
10 following:

11 (i) The incidence of CMV.

12 (ii) The transmission of CMV to pregnant women and  
13 women who may become pregnant.

14 (iii) Birth defects caused by congenital CMV.

15 (iv) Methods of diagnosing congenital CMV.

16 (v) Available preventive measures.

17 (vi) Treatment options.

18 (vii) Any other information the department deems  
19 necessary.

20 (2) Contact information regarding support programs and  
21 services, including the following:

22 (i) Information hotlines specific to CMV.

23 (ii) Relevant resource centers or clearinghouses.

24 (iii) National and local CMV organizations.

25 (iv) Educational and support programs.

26 (b) Form.--The information provided in accordance with this  
27 act shall conform to the applicable standard or standards  
28 provided in the enhanced "National Standards for Culturally and  
29 Linguistically Appropriate Services in Health and Health Care,"  
30 as adopted by the United States Department of Health and Human

1 Services and published in the Federal Register on September 24,  
2 2013.

3 Section 4. Dissemination of information on CMV.

4 (a) Requirement.--A health care practitioner that assumes  
5 responsibility for the prenatal care of a pregnant woman or a  
6 woman who may become pregnant shall provide the educational  
7 information regarding CMV made available by the department under  
8 section 3.

9 (b) Compliance.--Delivery of information prepared by the  
10 department in accordance with section 3 shall constitute  
11 compliance with this section.

12 Section 5. CMV newborn testing.

13 (a) General rule.--Except as provided for in subsection  
14 (b), the department shall require a birthing facility or a  
15 health care practitioner that assumes care of a newborn child to  
16 test the newborn child for CMV before the newborn child is 21  
17 days of age if:

18 (1) The newborn child fails the newborn hearing  
19 screening under the act of November 30, 2001 (P.L.849,  
20 No.89), known as the Infant Hearing Education, Assessment,  
21 Reporting and Referral (IHEARR) Act.

22 (2) The parent or guardian of a newborn child requests  
23 that the newborn child be tested for CMV.

24 (b) Exception.--A test under subsection (a) may not be  
25 performed if a parent or guardian of the newborn child dissents  
26 on the grounds that the test conflicts with a religious belief  
27 or practice.

28 Section 6. Regulations.

29 The department shall promulgate regulations necessary to  
30 effectuate the provisions of this act.

1 Section 7. Effective date.

2 This act shall take effect in 90 days.