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MEMORANDUM

**TO: HOUSE HEALTH AND HUMAN SERVICES COMMITTEE
THE HONORABLE JOSH SHAPIRO**

FROM: ANDY HOOVER, LEGISLATIVE ASSISTANT

DATE: JUNE 10, 2008

RE: OPPOSITION TO HOUSE BILL 2465

House Bill 2465 is on the committee's agenda for consideration on Wednesday, June 11. HB 2465 requires HIV testing for pregnant women unless the patient opts out of testing. While we recognize the good intentions of the sponsors of this bill, the ACLU of PA opposes HB 2465. We also encourage the committee to hold a hearing on this proposal in order to further vet the issue.

HB 2465 has significant privacy implications. Opt-out testing is one step away from mandatory testing. It takes the decision making power out of the hands of female patients and places it into the hands of government. This is a dangerous precedent to set.

We recognize the value in HIV testing for pregnant women. With proper treatment, transmission from an HIV-positive mother to her newborn child can be reduced to 1 in 50. There is no evidence from the medical community in Pennsylvania that there is a systemic problem with pregnant women choosing not to have an HIV test. In addition, studies indicate that HIV-positive patients are more likely to accept proper treatment when they have chosen to be tested. It is the ACLU's position that the best balance between public health and privacy concerns is achieved through informed consent in which a patient chooses to have the test done. In opt-out testing, the patient must choose to not have the test.

For more information on the ACLU's position on HIV testing for pregnant women, please see the attached fact sheet from national ACLU. This is also available on our website at <http://www.aclu.org/hiv/testing/11535pub20010101.html>.