

**Representative Ronda Rudd Menlove** proposes the following substitute bill:

**CYTOMEGALOVIRUS PUBLIC HEALTH INITIATIVE**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ronda Rudd Menlove**

Senate Sponsor: Curtis S. Bramble

---

**LONG TITLE**

**General Description:**

This bill amends the Utah Health Code and directs the Department of Health to establish a public education program regarding the impacts and dangers of congenital cytomegalovirus (CMV) infection and the methods of prevention of CMV infection.

**Highlighted Provisions:**

This bill:

- ▶ directs the Department of Health to create a public education program to inform pregnant women and women who may become pregnant about the occurrence of CMV, the transmission of CMV, the birth defects that CMV can cause, methods of diagnosis, and available preventative measures;
- ▶ requires the Department of Health to provide this information to:
  - licensed child care programs and their employees;
  - health care facilities licensed pursuant to Title 26, Chapter 21, the Health Care Facility Licensing and Inspection Act;
  - child care programs administered by educational institutions regulated by the boards of education of this state, private education institutions that provide education in lieu of that provided by the public education system, or by parochial education institutions;



26 • child care programs administered by public or private institutions of higher  
27 education, if the care is provided in connection with a course of study or  
28 program, relating to the education or study of children, that is provided to  
29 students of the institution of higher education;

30 • child care programs administered at public schools by organizations other than  
31 the public schools if the care is provided under contract with the public schools  
32 or on school properties or if the public schools accept responsibility and  
33 oversight for the care provided by the organizations;

34 • child care programs provided by organizations that qualify for tax exempt status  
35 under Section 501(c)(3) of the Internal Revenue Code or that are provided  
36 pursuant to a written agreement with a municipality or county;

37 • child care programs provided at residential support programs that are licensed  
38 by the Department of Human Services;

39 • school nurses;

40 • health educators;

41 • health care providers offering care to pregnant women and infants; and

42 • religious, ecclesiastical, or denominational organizations offering children's  
43 programs as a component of worship services;

44 ▶ directs medical practitioners to test infants, who fail the newborn hearing screening  
45 test(s), for CMV and inform the parents of those infants about the possible birth  
46 defects that CMV can cause and the available treatment methods;

47 ▶ directs the Department of Health to notify medical practitioners of the CMV testing  
48 requirements; and

49 ▶ grants rulemaking authority to the Department of Health.

50 **Money Appropriated in this Bill:**

51 None

52 **Other Special Clauses:**

53 None

54 **Utah Code Sections Affected:**

55 ENACTS:

56 **26-10-10**, Utah Code Annotated 1953

57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
86a  
87

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-10-10** is enacted to read:

**26-10-10. Cytomegalovirus (CMV) public education and testing.**

(1) As used in this section "CMV" means cytomegalovirus.

(2) The department shall establish and conduct a public education program to inform pregnant women and women who may become pregnant regarding:

(a) the incidence of CMV;

(b) the transmission of CMV to pregnant women and women who may become pregnant;

(c) birth defects caused by congenital CMV;

(d) methods of diagnosing congenital CMV; and

(e) available preventative measures.

(2) The department shall provide the information described in Subsection (2) to:

(a) child care programs licensed under Title 26, Chapter 39, Utah Child Care Licensing Act, and their employees;

(b) a person described in Subsection 26-39-403(1) (c), (f), (g), (h), (j), or (k);

(c) a person serving as a school nurse under Subsection 53A-11-204;

(d) a person offering health education in a school district;

(e) health care providers offering care to pregnant women and infants; and

(f) religious, ecclesiastical, or denominational organizations offering children's programs as a part of worship services.

(3) If a newborn infant fails the newborn hearing screening test(s) under Subsection 26-10-6(1), a medical practitioner shall:

(a) test the newborn infant for CMV before the newborn is 21 days of age, unless a parent of the newborn infant objects; and

(b) provide to the parents of the newborn infant information regarding:

(i) birth defects caused by congenital CMV; and

(ii) available methods of treatment.

(4) The department shall provide to ~~the~~ **[a]** the family and the ~~medical practitioner,~~ **if known,** ~~the~~ information regarding the testing requirements under Subsection (3) when providing results indicating that an infant has

88 failed the newborn hearing screening test(s) under Subsection 26-10-6(1).

89 (5) The department may make rules in accordance with Title 63G, Chapter 3, Utah

90 Administrative Rulemaking Act, as necessary to administer the provisions of this section.