

# HB77 INTRODUCED



1 HB77  
2 4VUHR33-1  
3 By Representative Rigsby  
4 RFD: Health  
5 First Read: 06-Feb-24  
6 PFD: 01-Feb-24



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SYNOPSIS:

Under existing law, each newborn child is screened for certain heritable diseases and conditions, as determined by the Alabama State Board of Health.

This bill would require the State Board of Health to add any condition on the Recommended Uniform Screening Panel (RUSP).

This bill would require the State Board of Health to adopt rules relating to the use of the Newborn Screening Panel.

This bill would provide a timeline for conditions with RUSP approval to be included on the panel and would require a written report to the State Health Officer if the timeline is not met.

This bill would also provide that the duties of the State Laboratory relating to testing for certain heritable diseases and conditions are contingent on the availability of funding.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to newborn screening; to amend Section



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29 22-20-3, Code of Alabama 1975; to add Section 22-20-3.2 to the  
30 Code of Alabama 1975; to provide Legislative Findings; to  
31 require conditions on the Recommended Uniform Screening Panel  
32 (RUSP) to be included on the Newborn Screening Panel; to  
33 provide a timeline for the addition of RUSP-approved condition  
34 on the panel; to require the State Board of Health to adopt  
35 rules relating to the newborn screening program; and to  
36 condition testing for heritable diseases and conditions by the  
37 State Laboratory on the availability of funding.

38 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

39 Section 1. (a) This act shall be known and may be cited  
40 as the Zachary Thomas Newborn Screening Act.

41 (b) The Legislature finds and declares that:

42 (1) Babies born in Alabama are currently screened for  
43 some, but not all, conditions included on the United States  
44 Department of Human Services' Recommended Uniform Screening  
45 Panel (RUSP).

46 (2) New conditions are added to the RUSP on a regular  
47 basis, and the Department of Public Health is firmly committed  
48 to adding RUSP conditions to the state's newborn screening  
49 panel.

50 (3) It is in the best interest of the state to continue  
51 to support the State Laboratory and its important mission of  
52 newborn screening.

53 Section 2. Section 22-20-3, Code of Alabama 1975, is  
54 amended to read as follows:

55 "§22-20-3

56 (a) For the purposes of this section, the following



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57 terms have the following meanings:

58 (1) BOARD. The Alabama State Board of Health.

59 (2) NEWBORN SCREENING PANEL or PANEL. The list of  
60 conditions that the State of Alabama screens for as part of  
61 the Newborn Screening Program.

62 (3) NEWBORN SCREENING PROGRAM or PROGRAM. The  
63 Department of Public Health's program that tests newborn  
64 children for conditions on the Newborn Screening Panel and  
65 identifies newborn children that may have those conditions.

66 (4) RUSP. The Recommended Uniform Screening Panel  
67 recommended by the Secretary of the Department and Health and  
68 Human Services for states to screen as part of their newborn  
69 screening programs.

70 (5) STATE LABORATORY. The Bureau of Clinical  
71 Laboratories within the Department of Public Health.

72 ~~(b) It shall be the duty of the~~ The administrative  
73 officer, ~~or other persons~~ individuals in charge of each  
74 institution caring for ~~infants~~ newborn children 28 days ~~or~~  
75 ~~less of age~~ old or younger, ~~or~~ the physician attending a  
76 newborn child, ~~or the person~~ individual attending a newborn  
77 child that was not attended by a physician ~~to~~ shall cause to  
78 have administered to every ~~such infant or~~ newborn child in his  
79 or her care a reliable test for conditions on the Newborn  
80 Screening Panel, including ~~hypothyroidism and a reliable test~~  
81 ~~for phenylketonuria (PKU), such as the Guthrie test, or any~~  
82 ~~other test considered equally reliable by the State Board of~~  
83 ~~Health and a reliable test for sickle cell anemia, sickle cell~~  
84 ~~trait, and/or abnormal hemoglobin and such other tests~~



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85 ~~relating to mental retardation or other~~ genetic, metabolic, or  
86 other heritable diseases ~~and conditions~~ as ~~are designated~~  
87 approved for inclusion on the Newborn Screening Panel by the  
88 ~~Board of Health~~ board, pursuant to Section 22-20-3.2,  
89 ~~Provided provided,~~ however, that the ~~Board of Health~~ board  
90 shall designate only conditions that are detectable by mass  
91 screening of newborn ~~infants~~ children. Initial mass screening  
92 tests and the recording of results shall be performed by the  
93 ~~Public Health~~ State Laboratory ~~at such times and in such~~  
94 ~~manner~~ as ~~may be~~ prescribed by the ~~State Board of Health;~~  
95 board and confirmatory tests shall be undertaken by ~~such~~  
96 laboratory facilities as ~~are~~ designated by the attending  
97 physician or parent; ~~provided, that no such initial.~~

98 (c) No screening or confirmatory tests shall be given  
99 to any newborn child whose parent or parents object ~~thereto~~ on  
100 the grounds that ~~such~~ the screening or tests conflict with  
101 their religious tenets and practices. In the event a test is  
102 not given to a newborn child on account of ~~such~~ objections by  
103 ~~the~~ his or her parent or parents, then no physician, nurse,  
104 laboratory technician, ~~person~~ individual administering tests,  
105 hospital, institution, or other health care provider shall be  
106 liable for failure to administer the test.

107 ~~(b) (d)~~ (d) The ~~State Board of Health~~ board shall ~~promulgate~~  
108 ~~such~~ adopt rules ~~and regulations~~ as ~~it considers~~ necessary to  
109 provide for the care and treatment of ~~those~~ newborn ~~infants~~  
110 children whose tests are determined positive, including, but  
111 not limited to, advising dietary treatment for ~~such infants~~  
112 newborn children. The ~~State Board of Health~~ board shall



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113 ~~promulgate~~ adopt any other rules ~~and regulations~~ necessary to  
114 effectuate ~~the provisions of~~ this section, including the  
115 collection of a reasonable fee for the newborn child screening  
116 program."

117 Section 3. Section 22-20-3.2 is added to the Code of  
118 Alabama 1975, to read as follows:

119 §22-20-3.2

120 (a) This section shall have the same definitions as  
121 Section 22-20-3, Code of Alabama 1975.

122 (b) The board shall adopt rules to administer the use  
123 of the Newborn Screening Panel, including the conditions for  
124 which screening is required. The Newborn Screening Panel shall  
125 include, but not be limited to, those conditions listed on the  
126 RUSP. Nothing in this act precludes the board from adding  
127 conditions to the Newborn Screening Panel that do not appear  
128 on the RUSP.

129 (c) (1) No later than 36 months following the approval  
130 and addition of a new condition to the RUSP, the board shall  
131 add the condition to the Newborn Screening Panel and implement  
132 and administer screening.

133 (2) Any condition added to the RUSP prior to January 1,  
134 2024, shall be added to the panel by the board no later than  
135 October 1, 2027.

136 (3) In the event that a RUSP-approved condition is not  
137 added to the Newborn Screening Panel in the time frame  
138 required by this subsection, the board shall provide a written  
139 notice to the State Health Officer outlining the reasons for  
140 the delay. Following its presentation to the State Health



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141 Officer, the board shall post the same written notice on its  
142 website.

143 (d) Testing for heritable diseases and conditions and  
144 the services and facilities required for testing shall be  
145 subject to the availability of funding and workforce in the  
146 State Laboratory, as determined by the board.

147 Section 4. This act shall become effective on October  
148 1, 2024.