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## HOUSE BILL NO. 2224

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions  
on January 31, 2023)

(Patron Prior to Substitute—Delegate Murphy)

A BILL to amend and reenact §§ 2.2-1104 and 32.1-65 of the Code of Virginia, relating to newborn screening tests; Division of Consolidated Laboratory Services; fees prohibited.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1104 and 32.1-65 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1104. Laboratory, testing, and analytical functions.

A. The Division shall provide, but is not limited to, the following specific laboratory, testing and analytical functions:

1. Maintain laboratories for the examination of clinical material and pathological specimens submitted by members of the medical profession of the Commonwealth and for which the Division may charge fees to recover full costs.

2. Provide laboratory services for the testing and analysis of various products, foods, drinks, economic poisons and other materials regulated or controlled by the Commonwealth.

3. Provide laboratory services for the analysis and examination of samples and materials related to environmental control.

4. Establish and conduct programs of inspection and certification of other laboratories in the Commonwealth as mandated by the federal Safe Drinking Water Act (P.L. 93-523) and state requirements pursuant to that Act.

B. No fee shall be charged for (i) the analyses of water samples that are required by regulations of the Department of Health ~~or for~~, (ii) feed and fertilizer samples that are required by regulations of the Department of Agriculture and Consumer Services, or (iii) newborn screening tests conducted pursuant to § 32.1-65 when an infant is born outside an institution.

C. The Division may provide, upon request of any law-enforcement agency, chemical and microbiological testing and analytical functions related to any criminal investigation. Nothing in this section shall be construed to limit or preclude the Department of Forensic Science from conducting all necessary testing and analytical functions associated with any criminal investigation.

D. Upon request of a bidder on any state contract that requires the Division to test or analyze the product being offered by the bidder, the Director of the Division of Purchases and Supply may allow such bidder or his representative to witness the test or analysis.

E. The Division shall provide for security and protection of evidence, official samples and all other samples submitted to the Division for analysis or examination.

§ 32.1-65. Certain newborn screening required.

In order to prevent intellectual disability and permanent disability or death, every infant who is born in the Commonwealth shall be subjected to screening tests for various disorders consistent with, but not necessarily identical to, the uniform condition panel recommended by the U.S. Secretary of Health and Human Services and the Secretary's Advisory Committee on Heritable Disorders in Newborns and Children.

Any infant whose parent or guardian objects thereto on the grounds that such tests conflict with his religious practices or tenets shall not be required to receive such screening tests.

The physician or certified nurse midwife in charge of the infant's care after delivery shall cause such tests to be performed. The screening tests shall be performed by the Division of Consolidated Laboratory Services or any other laboratory the Department of Health has contracted with to provide such service. Screening tests for time-critical disorders identified by the U.S. Department of Health and Human Services and the Secretary's Advisory Committee on Heritable Disorders in Newborns and Children shall be performed seven days a week.

When an infant is born outside an institution, the Division of Consolidated Laboratory Services or any other laboratory the Department of Health has contracted with to provide the screening tests is prohibited from charging a fee to hospitals or health care providers to perform such screening tests, and hospitals and health care providers are prohibited from charging a fee to the infant's parent or guardian to perform the screening tests.

The parent or guardian of an infant may be excused from payment of fees for newborn screening if the parent or guardian is unable to pay for the test. In the event a fee exemption is claimed, the person otherwise responsible for submitting the specimen for testing shall be responsible for submitting a completed fee exemption form to the Division of Child and Adolescent Health Pediatric Screening and Genetic Services, signed by the infant's parent or guardian.

60       The program for screening infants for sickle cell diseases shall be conducted in addition to the  
61 programs provided for in Article 8 (§ 32.1-68 et seq.).  
62 **2. That the Virginia Department of Health's Division of Child and Adolescent Health Pediatric**  
63 **Screening and Genetic Services shall create a standardized fee exemption form, which shall be**  
64 **known as the "Dried-Blood-Spot and Critical Congenital Heart Disease Screening Fee Exemption**  
65 **Request."**