

**HB77 ENROLLED**



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



## HB77 Enrolled

1 Enrolled, An Act,

2           Relating to newborn screening; to amend Section  
3 22-20-3, Code of Alabama 1975; to add Section 22-20-3.2 to the  
4 Code of Alabama 1975; to provide Legislative Findings; to  
5 require newborns with a family history of a disease to be  
6 tested for that disease under certain circumstances; to  
7 require conditions on the Recommended Uniform Screening Panel  
8 (RUSP) to be included on the Newborn Screening Panel; to  
9 provide a timeline for the addition of RUSP-approved condition  
10 on the panel; to require the State Board of Health to adopt  
11 rules relating to the newborn screening program; and to  
12 condition testing for heritable diseases and conditions by the  
13 State Laboratory on the availability of funding.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17           (b) The Legislature finds and declares that:

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

22           (2) New conditions are added to the RUSP on a regular  
23 basis, and the Department of Public Health is firmly committed  
24 to adding RUSP conditions to the state's newborn screening  
25 panel.

26           (3) It is in the best interest of the state to continue  
27 to support the State Laboratory and its important mission of  
28 newborn screening.



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

31 "§22-20-3

32 (a) For the purposes of this section, the following  
33 terms have the following meanings:

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

35 (2) NEWBORN SCREENING PANEL or PANEL. The list of  
36 conditions that the State of Alabama screens for as part of  
37 the Newborn Screening Program.

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

42 (4) RUSP. The Recommended Uniform Screening Panel  
43 recommended by the Secretary of the Department and Health and  
44 Human Services for states to screen as part of their newborn  
45 screening programs.

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

48 ~~(b) It shall be the duty of the~~ The administrative  
49 ~~officer, or other persons~~ individuals in charge of each  
50 ~~institution caring for infants~~ newborn children 28 days ~~or~~  
51 ~~less of age~~ old or younger, ~~or~~ the physician attending a  
52 ~~newborn child,~~ or the person individual attending a newborn  
53 ~~child that was not attended by a physician~~ to shall cause to  
54 ~~have administered to every such infant or~~ newborn child in his  
55 or her care: (i) testing for any disease for which the newborn  
56 has a known family history and which can be diagnosed at



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57 birth; and (ii) a reliable test for conditions on the Newborn  
58 Screening Panel, including hypothyroidism and a reliable test  
59 for phenylketonuria (PKU), such as the Guthrie test, or any  
60 other test considered equally reliable by the State Board of  
61 Health and a reliable test for sickle cell anemia, sickle cell  
62 trait, and/or abnormal hemoglobin and such other tests  
63 relating to mental retardation or other genetic, metabolic, or  
64 other heritable diseases and conditions as are designated  
65 approved for inclusion on the Newborn Screening Panel by the  
66 Board of Health board, pursuant to Section 22-20-3.2,-  
67 Provided provided, however, that the Board of Health board  
68 shall designate only conditions that are detectable by mass  
69 screening of newborn-infants children. Initial mass screening  
70 tests and the recording of results shall be performed by the  
71 Public Health State Laboratory at such times and in such  
72 manner as may be prescribed by the State Board of Health;  
73 board and confirmatory tests shall be undertaken by such  
74 laboratory facilities as are designated by the attending  
75 physician or parent; provided, that no such initial.

76 (c) No screening or confirmatory tests shall be given  
77 to any newborn child whose parent or parents object thereto on  
78 the grounds that such the screening or tests conflict with  
79 their religious tenets and practices. In the event a test is  
80 not given to a newborn child on account of such objections by  
81 the his or her parent or parents, then no physician, nurse,  
82 laboratory technician, person individual administering tests,  
83 hospital, institution, or other health care provider shall be  
84 liable for failure to administer the test.



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85           ~~(b) (d) The State Board of Health board shall promulgate~~  
86 ~~such adopt~~ rules and regulations as it considers necessary to  
87 provide for the care and treatment of ~~those newborn infants~~  
88 children whose tests are determined positive, including, but  
89 not limited to, advising dietary treatment for ~~such infants~~  
90 newborn children. The ~~State Board of Health board~~ shall  
91 ~~promulgate~~ adopt any other rules and regulations necessary to  
92 effectuate ~~the provisions of~~ this section, including the  
93 collection of a reasonable fee for the newborn child screening  
94 program."

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

97           §22-20-3.2

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

100           (b) The board shall adopt rules to administer the use  
101 of the Newborn Screening Panel, including the conditions for  
102 which screening is required. The Newborn Screening Panel shall  
103 include, but not be limited to, those conditions listed on the  
104 RUSP. Nothing in this act precludes the board from adding  
105 conditions to the Newborn Screening Panel that do not appear  
106 on the RUSP.

107           (c) (1) No later than 36 months following the approval  
108 and addition of a new condition to the RUSP, the board shall  
109 add the condition to the Newborn Screening Panel and implement  
110 and administer screening.

111           (2) Any condition added to the RUSP prior to January 1,  
112 2024, shall be added to the panel by the board no later than



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113 October 1, 2027.

114 (3) In the event that a RUSP-approved condition is not  
115 added to the Newborn Screening Panel in the time frame  
116 required by this subsection, the board shall provide a written  
117 notice to the State Health Officer outlining the reasons for  
118 the delay. Following its presentation to the State Health  
119 Officer, the board shall post the same written notice on its  
120 website.

121 (d) Testing for heritable diseases and conditions and  
122 the services and facilities required for testing shall be  
123 subject to the availability of funding and workforce in the  
124 State Laboratory, as determined by the board.

125 Section 4. This act shall become effective on October  
126 1, 2024.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 22-Feb-24.

John Treadwell  
Clerk

Senate	<hr/> <b>25-Apr-24</b> <hr/>	Amended and Passed
House	<hr/> <b>25-Apr-24</b> <hr/>	Concurred in Senate Amendment