



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Pedro P. Tenorio
Governor

Jesus R. Sablan
Lt. Governor

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The Honorable Benigno R. Fitiaf
Speaker, House of Representatives
Twelfth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

NOV 19 2001

The Honorable Paul A. Manglona
Senate President
Twelfth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 12-395, entitled, "To require the Commonwealth Health Center to provide free counseling and screening of pregnant woman in order to prevent the prenatal transmission of Human Immunodeficiency Virus (HIV) and to provide for clear authority for medical care providers to provide medical care related to the testing and counseling of sexually transmitted diseases, who request such care without parental consent," which was passed by the Twelfth Northern Marianas Commonwealth Legislature.

This bill mandates that free education regarding HIV prevention, transmission, and free testing for HIV be provided by the Commonwealth Health Center (CHC) to all pregnant women who receive prenatal care at CHC. This mandate will help decrease the risk of HIV transmission between a mother and her unborn child by early detection and medication during pregnancy and delivery. The bill is important in that it will help prevent the pain and suffering of our children, as well as provide cost-savings for the victims and the health provider.

This bill becomes **Public Law No. 12-75**. Copies bearing my signature are forwarded for your reference.

Sincerely,



PEDRO P. TENORIO

CC: Secretary of Public Health
Special Assistant for Programs & Legislative Review



The House of Representatives
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. Box 500586
Saipan, MP 96950

PUBLIC LAW NO. 12-75

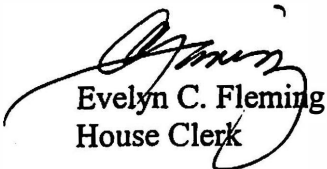
October 30, 2001

The Honorable Pedro P. Tenorio
Governor
Commonwealth of the Northern
Mariana Islands
Office of the Governor
Capitol Hill
Saipan, MP 96950

Dear Governor Tenorio:

I have the honor of transmitting herewith for your action House Bill No. 12-395, entitled, "To require the Commonwealth Health Center to provide free counseling and screening of pregnant woman in order to prevent the prenatal transmission of Human Immunodeficiency Virus (HIV) and to provide for clear authority for medical care providers to provide medical care related to the testing and counseling of sexually transmitted diseases, who request such care without parental consent; and for other purposes," which was passed by the House of Representatives and the Senate of the Twelfth Northern Marianas Commonwealth Legislature.

Respectfully,


Evelyn C. Fleming
House Clerk

Attachment

HOUSE OF REPRESENTATIVES

Twelfth Northern Marianas Commonwealth Legislature

PUBLIC LAW NO. 12-75

HOUSE BILL NO. 12-395

AN ACT

To require the Commonwealth Health Center to provide free counseling and screening of pregnant woman in order to prevent the prenatal transmission of Human Immunodeficiency Virus (HIV) and to provide for clear authority for medical care providers to provide medical care related to the testing and counseling of sexually transmitted diseases, who request such care without parental consent; and for other purposes.

Offered by Representative(s):

Dino M. Jones

Date: June 13, 2001

HOUSE ACTION

Referred to: Committee on Health and Welfare

Standing Committee Report: 12-259

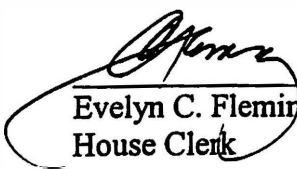
First and Final Reading: October 2, 2001

SENATE ACTION

Referred to: Committee on Health, Education, Welfare and Programs

Standing Committee Report: None

Final Reading: October 24, 2001


Evelyn C. Fleming
House Clerk

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THIRD REGULAR SESSION, 2001

PUBLIC LAW NO. 12-75

H. B. NO. 12-395

AN ACT

To require the Commonwealth Health Center to provide free counseling and screening of pregnant woman in order to prevent the prenatal transmission of Human Immunodeficiency Virus (HIV) and to provide for clear authority for medical care providers to provide medical care related to the testing and counseling of sexually transmitted diseases, who request such care without parental consent; and for other purposes.

**BE IT ENACTED BY THE ELEVENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings.** The Legislature finds that, according to Department of Public
2 Health statistics, HIV reached epidemic proportions in 1998. Since 1983, the first year that HIV
3 was reported in the CNMI, there have been 0 to 1 new cases of HIV reported annually. In 1998,
4 the Department of Public Health has seen a dramatic increase in the number of HIV cases
5 reported. To date, there have been 38 new cases of HIV reported to the Department of Public
6 Health. In addition to the sudden increase, the epidemiology is shifting to involve the entire
7 community. From 1983 to 1995, HIV was reported mostly among gay and bisexual men who
8 acquired the infection off-island. In 1996, the Department of Public Health saw a shift in the
9 transmission patterns to a predominantly heterosexual transmission, involving people from a
10 variety of ethnic backgrounds including the CNMI indigenous population. There are reported
11 cases among married men and women, teenagers, and infants. In 1998, the CNMI experienced
12 the first case of HIV transmitted from a mother to her newborn infant.

13 The Legislature acknowledges that segments of the CNMI population, including our
14 young adults and teenagers, are engaging in high-risk behavior that increases the likelihood of
15 HIV transmission. The Legislature also acknowledges that although prostitution became illegal

1 in 1994, the commercial sex industry still exists in the CNMI. The Legislature also recognizes
2 that in other countries where prostitution and high-risk behavior exist, these countries have
3 experienced devastating epidemics of HIV.

4 The Legislature acknowledges that scientific evidence has shown that HIV transmission
5 between a mother and her unborn child can be prevented with medication that is given during
6 pregnancy, delivery, and for a period time to the newborn. The medication, when given at the
7 optimal time, will decrease the risk of transmission by nearly three-fourths.

8 The Legislature finds that current recommended treatment for HIV infected individuals
9 cost between \$20,000 and \$30,000 dollars annually. Once the infected person progresses to be
10 classified as having Acquired Immune Deficiency Syndrome (AIDS), the cost of treatment
11 increases further to \$150,000 or more annually. In contrast, the cost of treating a pregnant
12 woman to reduce the prenatal transmission of HIV is less than \$3000. This cost includes
13 approximately \$10 per day during pregnancy, \$650 during delivery and 6 weeks of therapy for
14 the infant after birth. Not only is the cost/benefit ratio extremely favorable, but more importantly
15 is the benefit of preventing the pain and suffering of our islands' children.

16 The Legislature acknowledges that the Department of Public Health, since 1996 through a
17 federal public health grant, offers voluntary HIV testing and counseling to all pregnant mothers
18 seeking prenatal care at the Commonwealth Health Center. The Legislature recognizes that
19 distressingly, only 10-15% of pregnant women avail themselves of this federally funded service.
20 The woman who transmitted HIV to her infant was one such woman who declined testing.

21 The Legislature further notes that the Department of Public Health is concerned about its
22 scope of authority to provide medical care to minors for sexually transmitted diseases, without
23 parental consent. The Department of Public Health recognizes the need of strict confidentiality
24 in view of the fact that many minors would not submit to testing and counseling if parental
25 permission were required. As such, it seeks clear legislative authority to provide such testing to

1 minors who come in seeking assistance and testing.

2 **Section 2. Mandatory Prenatal HIV Education.** All pregnant women in the CNMI
3 who receive prenatal care from a physician, nurse practitioner, physician assistant, or certified
4 nurse midwife, registered nurses, allied health worker (counselor's, social workers, etc..) at the
5 Commonwealth Health Center, shall be provided free education regarding HIV prevention,
6 transmission and offered free testing for HIV. The HIV education provided to pregnant women
7 shall include information about reducing the risk of transmission of the disease between the
8 mother and her infant. A collaborative effort between the MCH Program and the HIV Program
9 shall be undertaken to provide the necessary training for the health care staff who provide
10 prenatal care at the Commonwealth Health Center so that appropriate education and counseling is
11 offered to all pregnant women in the CNMI.

12 **Section 3. Prenatal HIV Testing.** Following the provision of mandatory HIV
13 education, all pregnant mothers who present themselves for medical attention at the
14 Commonwealth Health Center shall be offered free HIV testing. Prior to such testing all
15 pregnant women will be given pre-test counseling in accordance to guidelines set forth by the
16 Department of Public Health's HIV Program. All women who test positive for HIV will be
17 referred to the Department of Public Health's HIV Program for post-test counseling and further
18 evaluation and treatment, if necessary. Such testing will be incorporated into the routine prenatal
19 laboratory testing/screening protocols currently provided to pregnant women. If a pregnant
20 woman presents herself in labor and upon evaluation, was determined that she did not receive
21 prenatal care, then HIV counseling and testing will be offered post-partum before she is released
22 from the hospital. Women who decline such testing shall be requested to sign a form
23 acknowledging that they have received the mandatory HIV education, they acknowledge the
24 availability of free HIV testing, but nevertheless refuse to undergo testing. Such refusal does not
25 preclude denial of treatment for remaining testing/screening protocols for prenatal care. In order

1 to preserve patient confidentiality, all tests will be conducted in accordance to a coded system
2 developed by the Department of Public Health.

3 **Section 4. Fees for HIV Testing Waived.** The fee or fees associated with prenatal HIV
4 testing at Commonwealth Health Center facilities will be waived. The Department of Public
5 Health, through the federally funded HIV grant, will continue to pay for the prenatal HIV testing.
6 At the end of each CNMI government fiscal year, the Department of Public Health will provide a
7 financial impact report to the Legislature regarding the prenatal HIV testing.

8 **Section 5. Consent of Minors to HIV Testing.** This provision shall only apply to
9 consents given by minors to the provision of medical care and service which involves the
10 diagnostic examination, prescription and administration of medication and other items in the
11 treatment of sexually transmitted diseases, the HIV virus, or AIDS. It shall not apply to surgery
12 or any other kind of medical procedure. The consent to the provision of medical care and service
13 by any public provider in the Commonwealth, when executed by a female minor who is or
14 professes to be pregnant, or by a minor who is or professes to be afflicted with or is concerned
15 with being afflicted with a sexually transmitted disease, the HIV virus, or AIDS, shall be valid
16 and binding as if the minor had achieved the age of majority and such minor requesting medical
17 attention shall be deemed to have and shall have the same legal capacity to consent and the same
18 legal obligations as a person of full legal age and capacity. The infancy of the minor and any
19 contrary provision of law notwithstanding, such consent shall not be subject to later
20 disaffirmance by reason of such minority and the consent of no other person or persons
21 (including, but not limited to a spouse or parent) shall be necessary in order to authorize the
22 provision of medical care or services by such health care provider to the minor.

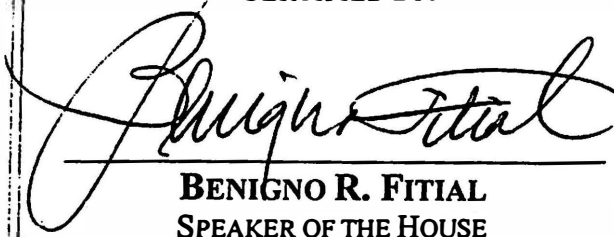
23 **Section 6. Severability.** If any provision of this Act or the application of any such
24 provision to any person or circumstance should be held invalid by a court of competent
25 jurisdiction, the remainder of this Act or the application of its provisions to persons or

1 circumstances other than those to which it is held invalid shall not be affected thereby.

2 **Section 7. Savings Clause.** This Act and any repealer contained herein shall not be
3 construed as affecting any existing right acquired under contract or acquired under statutes
4 repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in
5 this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment
6 of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or
7 criminal, which shall already be in existence at the date this Act becomes effective.

8 **Section 8. Effective Date.** This Act shall take effect upon its approval by the Governor
9 or upon its becoming law without such approval.


CERTIFIED BY:


BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

ATTESTED TO BY:


EVELYN C. FLEMING
HOUSE CLERK

Approved this 19th day of November, 2001


PEDRO P. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS