Baby Gap

Lawsuit demands 72 hours

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New York state's "Baby AIDS Bill" mandates that all newborns be slapped with an HIV test. The test, however, reveals only the mom's HIV status, since more than three-quarters of infants who test positive carry maternal antibodies and are not themselves infected. For some moms, this is their first clue that they have HIV and that they can reduce transmission risks by steering clear of breast-feeding—that is, if they find out soon enough.

This summer the HIV Law Project filed a class-action suit against the state, charging that it made a "huge omission" by failing to ensure a 72-hour turnaround for delivery of babies' test results. The lawsuit is meant to rattle the state health department into releasing results to docs ASAP; some say it's been taking up to five weeks. A department spokeswoman denies the delays, but the Project's Christine Cynn said, "Women call our hotline, having just learned they're HIV positive, horrified that they've been breast-feeding for weeks."

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