The Mother of All HIV Tests

A law demands that pregnant women be tested for HIV—and one activist calls it a huge belly flop.

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Last December, New Jersey issued a mandate requiring all pregnant women there to be tested for HIV. The goal: keep positive moms from transmitting the virus to infants. (The law does allow wiggle room: If a mother objects to being tested on religious or other grounds, her newborn will automatically be tested instead.)

Michigan, Arkansas, Texas and Tennessee also mandate HIV testing for pregnant women; New York, Connecticut and Illinois require testing for newborns. But Riki Jacobs, of New Jersey's Hyacinth AIDS Foundation, says the state's double mandate goes too far. She points out that New Jersey already requires counseling for pregnant women—after which nearly 98 percent of women agree to be tested. The new law "overrides the mother's right to choose [if] she wants to be tested," Jacobs says. "And it assumes the mom won't do the right thing by [her] children."

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