

Regular Session, 2014

SENATE BILL NO. 41

BY SENATOR BROOME

HEALTH CARE. Provides for screening of pregnant women for HIV and syphilis in the third trimester of pregnancy. (gov sig)

1 AN ACT
2 To amend and reenact R.S. 40:1091, relative to blood samples during pregnancy; to provide
3 for re-screening for HIV and syphilis in the third trimester of pregnancy; to provide
4 obligations of the physician; to provide for an effective date; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1091 is hereby amended and reenacted to read as follows:

8 §1091. Blood samples; standard test

9 A. Every physician who attends any pregnant woman for conditions relating
10 to pregnancy during the period of gestation ~~or at delivery~~ shall offer to take or to
11 have taken a sample of her blood at the time of first examination or as soon as
12 possible thereafter. **Additionally, every physician who attends any pregnant**
13 **woman for conditions relating to pregnancy during the third trimester of**
14 **gestation shall offer to take or to have taken a sample of her blood at the time**
15 **of first examination during such trimester or as soon as possible thereafter,**
16 **regardless of whether such a sample was taken or offered during the first two**
17 **trimesters of her pregnancy. Every physician who attends any pregnant woman**

1 **during labor or delivery shall offer to take or to have taken a sample of her**
 2 **blood at such time or as soon as possible thereafter. If available documentation**
 3 **indicates that a sample of her blood was already screened in accordance with**
 4 **this Section during the third trimester of her pregnancy, and she does not**
 5 **disclose when questioned any activities posing a risk for infection with HIV or**
 6 **syphilis occurring more recently than would have been detected by such**
 7 **screening, the attending physician during labor or delivery is not required to**
 8 **offer to take or to take a blood sample.** If no objection is made by the woman, a
 9 blood sample shall be taken and submitted to any approved laboratory for a standard
 10 test for syphilis as approved by the American Board of Pathology and for a standard
 11 diagnostic HIV test approved by the Food and Drug Administration.

12 B. All other persons permitted by law to attend pregnant women but not
 13 permitted to take blood samples shall have a sample of the blood of every pregnant
 14 woman attended by them taken by a duly licensed physician, if no objection to the
 15 taking of the sample is made by the woman, and submitted to an approved laboratory
 16 for a standard test for syphilis **and a standard diagnostic HIV test.**

17 Section 2. This Act shall become effective upon signature by the governor or, if not
 18 signed by the governor, upon expiration of the time for bills to become law without signature
 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 21 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Present law provides every physician who attends any pregnant woman for conditions relating to pregnancy during the period of gestation or at delivery shall offer to take or to have taken a sample of her blood at the time of first examination or as soon as possible thereafter. Furthermore, if no objection is made by the woman, a blood sample shall be taken and submitted to any approved laboratory for a standard test for syphilis as approved by the American Board of Pathology and for a standard diagnostic HIV test approved by the Food and Drug Administration.

Present law provides all other persons permitted by law to attend pregnant women but not permitted to take blood samples shall have a sample of the blood of every pregnant woman

attended by them taken by a duly licensed physician, if no objection to the taking of the sample is made by the woman, and submitted to an approved laboratory for a standard test for syphilis.

Proposed law amends present law to include the requirements of present law for the third trimester.

Proposed law amends present law to include a standard diagnostic HIV test.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1091)