

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H3/7/97

A Bill

ACT 963 OF 1997
HOUSE BILL 1950

5 *By: Representatives Molinaro, Wren, Young, Bennett, Judy Smith, Roberts, Horn and Ingram*
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For An Act To Be Entitled

9 "AN ACT TO AMEND TITLE 20, CHAPTER 16, OF THE ARKANSAS
10 CODE OF 1987, TO REVISE AND EXPAND THE SCOPE OF TESTING OF
11 PREGNANT WOMEN; AND FOR OTHER PURPOSES."
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Subtitle

13 "TO REVISE AND EXPAND THE SCOPE OF
14 TESTING PREGNANT WOMEN."
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 20-16-507 is hereby amended to read as
20 follows:

21 "§ 20-16-507. Testing of pregnant women required.

22 (a)(1) Every physician and/or health care provider attending pregnant
23 women in this state for conditions relating to their pregnancy ~~during the~~
24 ~~period of gestation or at delivery,~~ shall, in the case of every woman so
25 attended, take or cause to be taken a sample of venous blood or other approved
26 specimen of the woman as early as reasonably possible in the pregnancy or, if
27 not attended prenatally, at the time ~~of first examination~~ of delivery, and
28 shall submit the sample to an approved laboratory for

29 (A) a standard serological test for syphilis;

30 (B) a standard test for Human Immunodeficiency Virus;

31 (C) a standard test for Hepatitis B;

32 If for any reason the pregnant woman is not tested for syphilis, Human
33 Immunodeficiency Virus or Hepatitis B, that fact shall be recorded in the
34 patients records, which, if based upon the refusal of the patient, shall
35 relieve the physician of any responsibility under this subsection.

36 (2) Every other person ~~permitted~~ authorized by law to attend or

1 to provide medical treatment to pregnant women in this state, but not
2 permitted by law to take blood samples, shall cause a sample of blood or other
3 approved specimen of the pregnant woman to be taken as early as reasonably
4 possible in the pregnancy or, if not attended prenatally, at the time of
5 delivery, by or under the direction of a physician licensed to practice
6 medicine and surgery and have the sample submitted to an approved laboratory
7 for

- 8 (A) a standard serological test for syphilis-;
- 9 (B) a standard test for Human Immunodeficiency Virus;
- 10 (C) a standard test for Hepatitis B.

11 (3) Every physician as described in (a)(1) and every person
12 described in (a)(2) shall inform each pregnant woman who he or she is
13 attending of the fact that syphilis, Human Immunodeficiency Virus, and
14 Hepatitis B may be transmitted from an infected mother to the fetus or unborn
15 child and that these infections may be prevented if the maternal infection is
16 recognized and treated.

17 (4) Every physician as described in (a)(1) and every other person
18 as described in (a)(2) shall provide counselling and instruction for Human
19 Immunodeficiency Virus in a manner prescribed by the Department of Health
20 based upon contemporary state and federal standards.

21 (b) For the purpose of this section, a standard serological test shall
22 be a test for syphilis, Human Immunodeficiency Virus, and Hepatitis B,
23 approved or authorized by the Centers for Disease Control, and approved by the
24 Director of the Department of Health and shall be made at the Department of
25 Health laboratory or at another a laboratory approved to make the such tests
26 by the Director of the Department of Health.

27 ~~(c) The laboratory tests as are required by this section shall be made~~
28 ~~on request without charge at the Public Health Laboratories, Microbiology~~
29 ~~Branch.~~

30 ~~(d) In reporting every birth and stillbirth, physicians and others~~
31 ~~required to make the reports shall state on the certificate whether a blood~~
32 ~~test for syphilis has been made upon a specimen of blood taken from the woman~~
33 ~~who bore the child for which a birth or stillbirth certificate is filed and~~
34 ~~the approximate date when the specimen was taken.~~

35 (c) All records, reports, data or other information collected or
36 maintained under this section, which identifies or could be used to identify,

1 any individual patient, provider or institution shall be confidential, shall
2 not be subject to discovery pursuant to the Arkansas Rules of Civil Procedure
3 or the Freedom of Information Act. Provided that this section shall not
4 affect the reports required to be submitted to the Department of Health under
5 other laws and rules and regulations."

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7 SECTION 2. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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21 /s/Rep. Molinaro, et al

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23 APPROVED:3-31-97

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