

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1136

5 By: Representative Boyd  
6 By: Senator B. Davis  
7

## For An Act To Be Entitled

9 AN ACT TO REQUIRE HEPATITIS C SCREENING DURING  
10 PREGNANCY; AND FOR OTHER PURPOSES.  
11

## Subtitle

14 TO REQUIRE HEPATITIS C SCREENING DURING  
15 PREGNANCY.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. DO NOT CODIFY. Legislative findings.

21 The General Assembly finds that:

22 (1) Hepatitis C virus infection is the most common blood-borne  
23 infection in the United States;

24 (2) Public health professionals recommend Hepatitis C virus  
25 screening for all adults, including pregnant women;

26 (3) Hepatitis C virus screening is recommended for all pregnant  
27 women during each pregnancy, except in settings where the prevalence of  
28 Hepatitis C virus infection is less than one-tenth percent (0.1%);

29 (4) Pregnant mothers who have Hepatitis C virus can pass the  
30 virus that causes the disease to the baby during childbirth, whether the baby  
31 is delivered vaginally or through caesarean section, in five to ten percent  
32 (5-10%) of the cases;

33 (5) Hepatitis C virus infected infants require treatment that  
34 can be given at three (3) years of age and is effective in greater than  
35 ninety-five percent (95%) of cases;

36 (6) Untreated, chronic infection in infants can lead to



1 cirrhosis or scarring of the liver in one eight-tenths percent (1.8%) of  
 2 children between two (2) and nine (9) years of age as well as hepatocellular  
 3 carcinoma; and

4 (7) Pregnancy is an opportune time for women to receive a  
 5 Hepatitis C virus screening while simultaneously receiving other prenatal  
 6 screening and testing that is currently mandated by law.

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 8 SECTION 2. Arkansas Code Title 20, Chapter 15, Subchapter 1, is  
 9 amended to add an additional section to read as follows:

10 20-15-101. Hepatitis C screening during pregnancy.

11 (a)(1) In addition to the testing of pregnant women required under §  
 12 20-16-507, a physician or a healthcare provider who is attending a pregnant  
 13 woman in this state for conditions relating to pregnancy or any other person  
 14 who is attending or providing medical treatment to a pregnant woman in this  
 15 state shall:

16 (A) Take or cause to be taken a sample of venous blood or  
 17 other approved specimen as early as reasonably possible in the pregnancy or  
 18 at the time of delivery if the physician or healthcare provider did not  
 19 attend the pregnant woman prenatally; and

20 (B) Submit the sample to an approved laboratory for a  
 21 standard test for Hepatitis C.

22 (2)(A) If the pregnant woman is not tested for Hepatitis C, the  
 23 physician or healthcare provider shall record in the patient's medical  
 24 records that the pregnant woman has not been tested for Hepatitis C.

25 (B) If the pregnant woman declines to be tested for  
 26 Hepatitis C, the physician or healthcare provider is relieved of any  
 27 responsibility under this section if the refusal is recorded in the patient's  
 28 medical records as described in subdivision (a)(2)(A) of this section.

29 (b) A physician or healthcare provider who is attending a pregnant  
 30 woman in this state for conditions relating to pregnancy or other person who  
 31 is attending or providing medical treatment to a pregnant woman shall:

32 (A) Inform a pregnant woman that Hepatitis C may be transmitted  
 33 from a mother with Hepatitis C to her unborn child and that Hepatitis C may  
 34 be prevented if the mother's Hepatitis C is diagnosed and treated; and

35 (B) Provide counseling and instruction to the pregnant woman  
 36 regarding Hepatitis C in a manner determined by the Department of Health

1 based on contemporary state and federal standards.

2 (c)(1) Records, reports, data, or other information collected or  
3 maintained under this section that identify or could be used to identify an  
4 individual patient, healthcare provider, or institution are confidential and  
5 are not subject to disclosure under the Freedom of Information Act of 1967, §  
6 25-19-101 et seq., or subject to subpoena, discovery, or introduction into  
7 evidence in a civil proceeding.

8 (2) Subdivision (c)(1) of this section does not affect the  
9 reports required to be submitted by the department under any other laws,  
10 rules, or federal regulations.

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