

1 State of Arkansas As Engrossed: H1/19/21 H3/1/21 H3/4/21 H3/15/21

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

HOUSE BILL 1136

4

5 By: Representatives Boyd, Cloud, Pilkington

6 By: Senator B. Davis

7

8

## For An Act To Be Entitled

9

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

11

12

13

## Subtitle

14

TO REQUIRE HEPATITIS C SCREENING DURING  
15 PREGNANCY.

16

17

18

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19

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.

7  
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 declines to be tested for Hepatitis  
23 C, the physician or healthcare provider shall record in the patient's medical  
24 records that the pregnant woman was not tested for Hepatitis C based upon the  
25 refusal of the patient.

26 (B) The record of a patient refusal relieves the  
27 physician, the healthcare provider, and the Department of Corrections of any  
28 responsibility under this subsection.

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, Page  
10 3, delete line 7, and substitute the following:  
11 rules, or federal regulations.

12  
13 *SECTION 3. Arkansas Code Title 23, Chapter 79, Subchapter 1, is*  
14 *amended to add an additional section to read as follows:*

15 23-79-164. Coverage for hepatitis C screening during pregnancy.

16 (a) A health benefit plan that is offered, issued, or renewed in this  
17 state shall provide coverage for screening for hepatitis C during pregnancy  
18 by a healthcare professional on or after January 1, 2022.

19 (b) The coverage for screening for hepatitis C during pregnancy under  
20 this section:

21 (1) Is not subject to policy deductibles or copayment  
22 requirements; and

23 (2) Does not diminish or limit benefits otherwise allowable  
24 under a health benefit plan.

25 (c) Coverage provided for screening under subsection (a) of this  
26 section for a government self-insured plan is subject to any health benefit  
27 plan provisions that apply to other services covered by the health benefit  
28 plan.

29 /s/Boyd