

SENATE BILL NO. 174

BY SENATOR JACKSON-ANDREWS AND REPRESENTATIVE CHASSION

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 40:1121.21 and to enact R.S. 40:1123.5, relative to pregnancy screenings; to require HIV and syphilis blood tests for pregnant women at certain intervals; to provide for testing for chlamydia and gonorrhea; to require patient notification; to provide for laboratory testing; to provide an effective date; to provide for screening of pregnant women for substance use disorder; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1121.21 is hereby amended and reenacted and R.S. 40:1123.5 is hereby enacted to read as follows:

§1121.21. Blood samples; standard test

~~A. Every physician who attends any pregnant woman for conditions relating to pregnancy during the period of gestation 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. Additionally, every physician who attends any pregnant woman for conditions relating to pregnancy during the third trimester of gestation shall offer to take or to have taken a sample of her blood at the time of first examination during such trimester or as soon as possible thereafter, regardless of whether such a sample was taken or offered during the first two trimesters of her pregnancy. Every physician who attends any pregnant woman during labor or delivery shall offer to take or to have taken a sample of her blood at such time or as soon as possible thereafter. If available documentation indicates that a sample of her blood was already screened~~

1 in accordance with this Section during the third trimester of her pregnancy, and she  
2 does not disclose when questioned any activities posing a risk for infection with HIV  
3 or syphilis occurring more recently than would have been detected by such  
4 screening, the attending physician during labor or delivery is not required to offer to  
5 take or to take a blood sample. If no objection is made by the woman, a blood sample  
6 shall be taken and submitted to any approved laboratory for a standard test for  
7 syphilis as approved by the American Board of Pathology and for a standard  
8 diagnostic HIV test approved by the Food and Drug Administration. **(1)(a) Every**  
9 **primary, treating healthcare provider who provides routine prenatal care,**  
10 **services, or screening to a pregnant woman shall provide HIV and syphilis**  
11 **blood tests to the pregnant woman during the pregnant woman's initial prenatal**  
12 **care visit with that healthcare provider during the woman's first trimester and**  
13 **the pregnant woman's first prenatal care visit in the third trimester with that**  
14 **healthcare provider or as soon as possible thereafter.**

15 **(b) Any admitting healthcare provider who attends any pregnant woman**  
16 **during labor and delivery shall provide HIV and syphilis blood tests to the**  
17 **pregnant woman at that time. The pregnant woman shall be informed that the**  
18 **testing will be performed unless the woman declines the testing.**

19 **(c) A blood sample shall be taken and submitted to any approved**  
20 **laboratory for a standard test for syphilis as approved by the American Board**  
21 **of Pathology and a standard diagnostic HIV test approved by the Food and**  
22 **Drug Administration, unless the pregnant woman has declined the testing.**

23 **(2) In addition to the tests required in this Section, the pregnant woman**  
24 **shall be tested for chlamydia and gonorrhea at the first prenatal visit, and if a**  
25 **pregnant woman tests positive or it is deemed necessary by the healthcare**  
26 **provider, he shall offer testing in the third trimester.**

27 B. All other persons permitted by law to attend pregnant women but not  
28 permitted to take blood samples shall have a sample of the blood of every pregnant  
29 woman attended by them taken by a duly licensed physician, if no objection to the  
30 taking of the sample is made by the woman, and submitted to an approved laboratory

1 for a standard test for syphilis and a standard diagnostic HIV test. For purposes of  
2 this Section, "healthcare provider" means a licensed physician, licensed  
3 advanced practice registered nurse or nurse practitioner, licensed physician  
4 assistant, or licensed or certified midwife.

5 C. All testing that is provided by a healthcare provider pursuant to the  
6 provisions of this Section shall be considered a medically necessary covered  
7 service by any health insurance issuer as defined in R.S. 22:1005 and by any  
8 managed care organization as defined in R.S. 46:460.51. In addition, health  
9 insurance issuers and managed care organizations shall be prohibited from  
10 requiring prior authorization or imposing any utilization management  
11 requirements as a condition of payment for any testing provided pursuant to the  
12 provisions of this Section.

13 \* \* \*

14 §1123.5. Prenatal screening for substance use disorder

15 A. Every licensed healthcare provider who provides prenatal care to a  
16 pregnant woman shall screen her for substance use disorder during the first  
17 trimester of pregnancy or at the time of first examination after confirming  
18 pregnancy, if the provider utilizing his professional medical judgment believes  
19 that the screening would be in the best interest of the patient and such screening  
20 has not already occurred. The healthcare provider providing such screening  
21 shall utilize a validated verbal screening tool for substance use disorder that  
22 aligns with standards of the American College of Obstetricians and  
23 Gynecologists. The Louisiana Department of Health, office of public health,  
24 shall post a list of approved validated verbal screening tools on its website. For  
25 purposes of this Section, "licensed healthcare provider" means a physician,  
26 advanced practice registered nurse, or physician assistant.

27 B. After administering the screening provided for in Subsection A of this  
28 Section, a licensed healthcare provider who determines that a pregnant woman  
29 is at risk for substance use disorder shall refer the woman for appropriate  
30 treatment.

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

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_