

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 41**

FINAL READING

Introduced by Riepe, 12; Cavanaugh, M., 6; DeBoer, 10; Raybould, 28;  
Quick, 35.

Read first time January 09, 2025

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to communicable diseases; to amend section
- 2 71-502.03, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to blood tests for pregnant women; and to repeal
- 4 the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 71-502.03, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3           71-502.03 (1) Subject to subsection (2) of this section, every ~~Every~~  
4 physician, or other person authorized by law to practice obstetrics, who  
5 is attending a pregnant woman in the state for conditions relating to her  
6 pregnancy during the period of gestation or at delivery shall take, ~~or~~  
7 shall direct an authorized person to take, cause to be taken a sample of  
8 the blood of such woman at the time of the first examination, third  
9 trimester examination, and birth and shall submit such sample to an  
10 approved laboratory for a standard serological test for syphilis. Every  
11 other person permitted by law to attend pregnant women in the state, but  
12 not permitted by law to take blood samples, shall direct ~~cause~~ such a  
13 sample of the blood of such pregnant women to be taken by a physician,  
14 duly licensed to practice either medicine and surgery or obstetrics, or  
15 other person authorized by law to take such sample of blood and have such  
16 sample submitted to an approved laboratory for a standard serological  
17 test for syphilis.

18           (2) Each pregnant woman shall be informed, in clear and  
19 understandable language, by the physician or other person authorized by  
20 law to practice obstetrics, that such test is voluntary and may be  
21 declined verbally or in writing.

22           (3) The results of all such laboratory tests shall be reported to  
23 the Department of Health and Human Services on standard forms prescribed  
24 and furnished by the department. For the purpose of this section, a  
25 standard serological test shall be a test for syphilis approved by the  
26 department and shall be made at a laboratory approved to make such tests  
27 by the department. Such laboratory tests, as are required by this  
28 section, shall be made on request at the Department of Health and Human  
29 Services Laboratory. A fee may be established by rule and regulation by  
30 the department to defray no more than the actual cost of such tests. Such  
31 fee shall be deposited in the state treasury and credited to the Health

1 and Human Services Cash Fund. In reporting every birth and stillbirth,  
2 physicians and others required to make such reports shall state on the  
3 portion of the certificate entitled For Medical and Health Use Only  
4 whether a blood test for syphilis has been made upon a specimen of blood  
5 taken from the woman who bore the child for which a birth or stillbirth  
6 certificate is filed and the approximate date when the specimen was  
7 taken. No birth certificate shall show the result of such test. If no  
8 test was made, the reason shall be stated. The department shall provide  
9 the necessary clerical, printing, and other expenses in carrying out this  
10 section.

11 (4)(a) Subject to subdivision (4)(b) of this section, every (2)  
12 ~~Every~~ physician or other person authorized by law to practice obstetrics  
13 who is attending a pregnant woman in the state for conditions relating to  
14 her pregnancy during the period of gestation shall administer or cause to  
15 be administered a test of the pregnant woman's blood for the presence of  
16 the human immunodeficiency virus infection ~~unless the pregnant woman has~~  
17 ~~given written informed consent that she does not want to be tested.~~

18 (b) The pregnant woman shall be informed, in clear and  
19 understandable language, by the physician or other person authorized by  
20 law to practice obstetrics, that such test is voluntary and may be  
21 declined verbally or in writing.

22 **Sec. 2.** Original section 71-502.03, Reissue Revised Statutes of  
23 Nebraska, is repealed.