

AMENDMENTS TO LB41

Introduced by Health and Human Services.

1        1. Strike the original sections and insert the following new  
2 sections:

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

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

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

24        (3) The results of all such laboratory tests shall be reported to  
25 the Department of Health and Human Services on standard forms prescribed  
26 and furnished by the department. For the purpose of this section, a  
27 standard serological test shall be a test for syphilis approved by the

1 department and shall be made at a laboratory approved to make such tests  
2 by the department. Such laboratory tests, as are required by this  
3 section, shall be made on request at the Department of Health and Human  
4 Services Laboratory. A fee may be established by rule and regulation by  
5 the department to defray no more than the actual cost of such tests. Such  
6 fee shall be deposited in the state treasury and credited to the Health  
7 and Human Services Cash Fund. In reporting every birth and stillbirth,  
8 physicians and others required to make such reports shall state on the  
9 portion of the certificate entitled For Medical and Health Use Only  
10 whether a blood test for syphilis has been made upon a specimen of blood  
11 taken from the woman who bore the child for which a birth or stillbirth  
12 certificate is filed and the approximate date when the specimen was  
13 taken. No birth certificate shall show the result of such test. If no  
14 test was made, the reason shall be stated. The department shall provide  
15 the necessary clerical, printing, and other expenses in carrying out this  
16 section.

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

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

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