

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 41

FINAL READING
(SECOND)

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; to state
- 4 intent regarding payment for certain blood tests; and to repeal the
- 5 original section.
- 6 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.** It is the intent of the Legislature that the cost of a
23 serological test for syphilis pursuant to section 71-502.03 for an
24 individual covered under the Medical Assistance Act, when such test was
25 not covered under the act prior to the effective date of this act, shall
26 be paid from the Medicaid Managed Care Excess Profit Fund pursuant to
27 section 68-996 and federal funds.

28 **Sec. 3.** Original section 71-502.03, Reissue Revised Statutes of
29 Nebraska, is repealed.