

2025 Regular Session

SENATE BILL NO. 174

BY SENATOR JACKSON-ANDREWS

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

PUBLIC HEALTH. Provides relative to screening pregnant women for HIV and syphilis.
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AN ACT

To amend and reenact R.S. 40:1121.21, relative to screening pregnant women for HIV and syphilis; to require HIV and syphilis blood tests for pregnant women at certain intervals; to require patient notification; to provide for laboratory testing; to provide on effective date; 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 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~~

1 have taken a sample of her blood at such time or as soon as possible thereafter. If
2 available documentation indicates that a sample of her blood was already screened
3 in accordance with this Section during the third trimester of her pregnancy, and she
4 does not disclose when questioned any activities posing a risk for infection with HIV
5 or syphilis occurring more recently than would have been detected by such
6 screening, the attending physician during labor or delivery is not required to offer to
7 take or to take a blood sample. If no objection is made by the woman, a blood sample
8 shall be taken and submitted to any approved laboratory for a standard test for
9 syphilis as approved by the American Board of Pathology and for a standard
10 diagnostic HIV test approved by the Food and Drug Administration. Every licensed
11 physician who provides prenatal care to a pregnant woman shall order HIV and
12 syphilis blood tests for the pregnant woman during the pregnant woman's first
13 prenatal care visit with that physician and the pregnant woman's first prenatal
14 care in the third trimester with that physician or as soon as possible thereafter.
15 Additionally, every licensed physician who attends any pregnant woman during
16 labor and delivery shall order HIV and syphilis blood tests for the pregnant
17 woman at that time. The pregnant woman shall be notified that the testing will
18 be performed and consent is implied unless the woman declines the testing. A
19 blood sample shall be taken and submitted to any approved laboratory for a
20 standard test for syphilis as approved by the American Board of Pathology and
21 a standard diagnostic HIV test approved by the Food and Drug Administration,
22 unless the pregnant woman has declined the testing.

23 B. All other persons permitted by law to attend pregnant women but not
24 permitted to take blood samples shall have a sample of the blood of every pregnant
25 woman attended by them taken by a duly licensed physician, if no objection to the
26 taking of the sample is made by the woman, and submitted to an approved laboratory
27 for a standard test for syphilis and a standard diagnostic HIV test. Unless available
28 patient records clearly indicate that HIV and syphilis blood testing has occurred
29 in accordance with Subsection A of this Section, all other licensed medical

1 professionals permitted by law to attend pregnant women and order blood
2 samples pursuant to their scope of practice shall order HIV and syphilis blood
3 tests for the pregnant woman at the visit and examination intervals provided for
4 in Subsection A of this Section and during labor and delivery. The pregnant
5 woman shall be notified that the testing will be performed and consent is
6 implied unless the woman declines the testing. A blood sample shall be taken
7 and submitted to any approved laboratory for a standard test for syphilis as
8 approved by the American Board of Pathology and a standard diagnostic HIV
9 test approved by the Food and Drug Administration, unless the pregnant
10 woman has declined the testing.

11 C. Unless available patient records clearly indicate that HIV and syphilis
12 blood testing has been made in accordance with the provisions of Subsection A
13 or B of this Section, all other persons permitted by law to attend pregnant
14 women, but not permitted to take blood samples, shall offer at the visit and
15 examination intervals listed in Subsection A of this Section and during labor
16 and delivery to have a sample of blood of every pregnant woman attended by
17 them taken by a duly licensed physician or other licensed medical professional
18 acting pursuant to his scope of practice. The pregnant woman shall be notified
19 that the testing will be performed and consent is implied unless the woman
20 declines the testing. A blood sample shall be taken and submitted to any
21 approved laboratory for a standard test for syphilis as approved by the
22 American Board of Pathology and a standard diagnostic HIV test approved by
23 the Food and Drug Administration, unless the pregnant woman has declined the
24 testing.

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

