

SENATE BILL NO. 309

BY SENATOR BROOME AND REPRESENTATIVES BURFORD, COX, FRANKLIN,  
HILL, KATRINA JACKSON, LEBAS, JAY MORRIS, SIMON,  
STOKES, WHITNEY AND WILLMOTT

1 AN ACT

2 To amend and reenact R.S. 40:1091, relative to blood samples during pregnancy; to provide  
3 for rescreening for HIV and syphilis in the third trimester of pregnancy; to provide  
4 obligations of the physician; to provide for an effective date; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1091 is hereby amended and reenacted to read as follows:

8 §1091. Blood samples; standard test

9 A. Every physician who attends any pregnant woman for conditions relating  
10 to pregnancy during the period of gestation ~~or at delivery~~ shall offer to take or to  
11 have taken a sample of her blood at the time of first examination or as soon as  
12 possible thereafter. **Additionally, every physician who attends any pregnant**  
13 **woman for conditions relating to pregnancy during the third trimester of**  
14 **gestation shall offer to take or to have taken a sample of her blood at the time**  
15 **of first examination during such trimester or as soon as possible thereafter,**  
16 **regardless of whether such a sample was taken or offered during the first two**  
17 **trimesters of her pregnancy. Every physician who attends any pregnant woman**  
18 **during labor or delivery shall offer to take or to have taken a sample of her**  
19 **blood at such time or as soon as possible thereafter. If available documentation**  
20 **indicates that a sample of her blood was already screened in accordance with**  
21 **this Section during the third trimester of her pregnancy, and she does not**  
22 **disclose when questioned any activities posing a risk for infection with HIV or**  
23 **syphilis occurring more recently than would have been detected by such**  
24 **screening, the attending physician during labor or delivery is not required to**  
25 **offer to take or to take a blood sample.** If no objection is made by the woman, a

1 blood sample shall be taken and submitted to any approved laboratory for a standard  
2 test for syphilis as approved by the American Board of Pathology and for a standard  
3 diagnostic HIV test approved by the Food and Drug Administration.

4 B. All other persons permitted by law to attend pregnant women but not  
5 permitted to take blood samples shall have a sample of the blood of every pregnant  
6 woman attended by them taken by a duly licensed physician, if no objection to the  
7 taking of the sample is made by the woman, and submitted to an approved laboratory  
8 for a standard test for syphilis **and a standard diagnostic HIV test.**

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

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