

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 certain pregnancy screenings. (gov sig)

AN ACT

To amend and reenact R.S. 40:1121.21 and to enact R.S. 40:1123.5, relative to pregnancy screenings; to require HIV and syphilis blood tests for pregnant women at certain intervals; to require patient notification; to provide for laboratory testing; to provide an effective date; to provide for screening of pregnant women for substance use disorder; 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 and R.S. 40:1123.5 is hereby enacted 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~~

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

27 ~~B. All other persons permitted by law to attend pregnant women but not~~
28 ~~permitted to take blood samples shall have a sample of the blood of every pregnant~~
29 ~~woman attended by them taken by a duly licensed physician, if no objection to the~~

1 taking of the sample is made by the woman, and submitted to an approved laboratory
2 for a standard test for syphilis and a standard diagnostic HIV test. For purposes of
3 this Section, "healthcare provider" shall mean a licensed physician, licensed
4 advanced practice registered nurse or nurse practitioner, licensed physician
5 assistant, or licensed or certified midwife.

6 C. All testing that is provided by a healthcare provider pursuant to the
7 provisions of this Section shall be considered a medically necessary covered
8 service by any health insurance issuer as defined in R.S. 22:1005 and by any
9 managed care organization as defined in R.S. 46:460.51(9). In addition, health
10 insurance issuers and managed care organizations shall be prohibited from
11 requiring prior authorization or imposing any utilization management
12 requirements as a condition of payment for any testing provided pursuant to the
13 provisions of this Section.

14 * * *

15 §1123.5. Prenatal screening for substance use disorder

16 A. Every licensed healthcare provider who provides prenatal care to a
17 pregnant woman shall screen her for substance use disorder during the first
18 trimester of pregnancy or at the time of first examination after confirming
19 pregnancy, if the provider utilizing his professional medical judgment believes
20 that the screening would be in the best interest of the patient and such screening
21 has not already occurred. The healthcare provider providing such screening
22 shall utilize a validated verbal screening tool for substance use disorder that
23 aligns with standards of the American College of Obstetricians and
24 Gynecologists. The Louisiana Department of Health, office of public health
25 shall post a list of approved validated verbal screening tools on its website. For
26 purposes of this Section, "licensed healthcare provider" means a physician,
27 advanced practice registered nurse, or physician assistant.

28 B. After administering the screening provided for in Subsection A of this
29 Section, a licensed healthcare provider who determines that a pregnant woman

1 is at risk for substance use disorder shall refer the woman for appropriate
2 treatment.

3 C. Notwithstanding any provision of law to the contrary, licensure
4 surveys of healthcare facilities conducted by the Louisiana Department of
5 Health may evaluate for compliance with this Section.

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Senate Legislative Services.
The keyword, summary, and digest do not constitute part of the law or proof
or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 174 Engrossed

2025 Regular Session

Jackson-Andrews

Present law requires a physician who attends a pregnant woman for conditions relating to pregnancy to offer to take a blood sample at the time of her first examination, during her third trimester, and during labor or delivery to test for HIV and syphilis. Present law further requires the physician to take the blood sample if the woman does not object.

Present law provides for circumstances in which the attending physician is not required to offer the HIV and syphilis screening.

Proposed law requires every primary, treating healthcare provider who provides prenatal care to a pregnant woman to provide HIV and syphilis tests at the woman's initial visit during the first trimester, her first visit during the third trimester, and during labor and delivery and to inform the woman that the testing will be performed.

Proposed law requires insurance coverage of any HIV and syphilis test performed in accordance with proposed law.

Proposed law requires every healthcare provider who provides prenatal care to a pregnant woman to screen her for substance use disorder during the first trimester or at her first exam after confirming pregnancy if the provider believes the screening to be in the best interest of the patient.

Proposed law provides definitions for "healthcare provider".

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1121.21; adds R.S. 40:1123.5)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to
the original bill

1. Changes "physician" to "healthcare provider".
2. Removes language relative to implied consent for HIV and syphilis tests.
3. Removes language requiring all other licensed health care professionals to order HIV and syphilis tests if patient records do not indicate that tests have already been performed.
4. Requires insurance coverage for HIV and syphilis tests performed in accordance with proposed law.
5. Adds requirement for healthcare providers to offer substance use disorder screenings in certain circumstances.