

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 285

Introduced by Linehan, 39.

Read first time January 11, 2017

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health and welfare; to amend
2 sections 71-502.03 and 71-506, Reissue Revised Statutes of Nebraska;
3 to provide for and to eliminate provisions relating to testing for
4 human immunodeficiency virus infection; to harmonize provisions; to
5 repeal the original sections; and to outright repeal section 71-531,
6 Revised Statutes Cumulative Supplement, 2016.

7 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) Every physician, or other person authorized by law to
4 practice obstetrics, who is attending a pregnant woman in the state for
5 conditions relating to her pregnancy during the period of gestation or at
6 delivery shall take or cause to be taken a sample of the blood of such
7 woman at the time of the first examination and shall submit such sample
8 to an approved laboratory for a standard serological test for syphilis.
9 Every other person permitted by law to attend pregnant women in the
10 state, but not permitted by law to take blood samples, shall cause such a
11 sample of the blood of such pregnant women to be taken by a physician,
12 duly licensed to practice either medicine and surgery or obstetrics, or
13 other person authorized by law to take such sample of blood and have such
14 sample submitted to an approved laboratory for a standard serological
15 test for syphilis. The results of all such laboratory tests shall be
16 reported to the Department of Health and Human Services on standard forms
17 prescribed and furnished by the department. For the purpose of this
18 section, a standard serological test shall be a test for syphilis
19 approved by the department and shall be made at a laboratory approved to
20 make such tests by the department. Such laboratory tests, as are required
21 by this section, shall be made on request at the Department of Health and
22 Human Services Laboratory. A fee may be established by rule and
23 regulation by the department to defray no more than the actual cost of
24 such tests. Such fee shall be deposited in the state treasury and
25 credited to the Health and Human Services Cash Fund. In reporting every
26 birth and stillbirth, physicians and others required to make such reports
27 shall state on the portion of the certificate entitled For Medical and
28 Health Use Only whether a blood test for syphilis has been made upon a
29 specimen of blood taken from the woman who bore the child for which a
30 birth or stillbirth certificate is filed and the approximate date when
31 the specimen was taken. No birth certificate shall show the result of

1 such test. If no test was made, the reason shall be stated. The
2 department shall provide the necessary clerical, printing, and other
3 expenses in carrying out this section.

4 (2) Every physician or other person authorized by law to practice
5 obstetrics who is attending a pregnant woman in the state for conditions
6 relating to her pregnancy during the period of gestation shall administer
7 or cause to be administered a test of the pregnant woman's blood for the
8 presence of the human immunodeficiency virus infection unless the
9 pregnant woman has given written informed consent that she does not want
10 to be tested.

11 Sec. 2. Section 71-506, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 71-506 Any person violating any of the provisions of sections 71-501
14 to 71-505, 71-507 to 71-513, or 71-514.01 to 71-514.05 ~~or section 71-531~~
15 shall be guilty of a Class V misdemeanor for each offense, except that
16 any person who willfully or maliciously discloses, except as provided by
17 law, the content of any reports, notifications, or resulting
18 investigations made under section 71-502 and subject to the
19 confidentiality provisions of section 71-503.01 shall be guilty of a
20 Class III misdemeanor. The Attorney General or the county attorney may,
21 in accordance with the laws of the state governing injunctions and other
22 process, maintain an action in the name of the state against any person
23 or any private or public entity for violating sections 71-501 to 71-505,
24 71-507 to 71-513, or 71-514.01 to 71-514.05 ~~or section 71-531~~ and the
25 rules and regulations adopted and promulgated under such sections.

26 Sec. 3. Original sections 71-502.03 and 71-506, Reissue Revised
27 Statutes of Nebraska, are repealed.

28 Sec. 4. The following section is outright repealed: Section 71-531,
29 Revised Statutes Cumulative Supplement, 2016.