

AN ACT

relating to certain diagnostic testing during pregnancy.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 81.090, Health and Safety Code, is amended by amending Subsections (a-1), (c), (c-1), and (c-2) and adding Subsection (p) to read as follows:

(a-1) A physician or other person permitted by law to attend a pregnant woman during gestation or at delivery of an infant shall:

(1) take or cause to be taken a sample of the woman's blood or other appropriate specimen at an examination in the third trimester of the pregnancy, but not earlier than the 28th week of the pregnancy;

(2) submit the sample to an appropriately certified laboratory for a diagnostic test approved by the United States Food and Drug Administration for syphilis and HIV infection; and

(3) retain a report of each case for nine months and deliver the report to any successor in the case.

(c) A physician or other person in attendance at a delivery shall:

(1) take or cause to be taken a sample of blood or other appropriate specimen from the mother on admission for delivery; and

(2) submit the sample to an appropriately certified laboratory for diagnostic testing approved by the United States

1 Food and Drug Administration for[+]

2 [~~(A)~~ syphilis; and

3 [~~(B)~~] hepatitis B infection.

4 (c-1) If the physician or other person in attendance at the
5 delivery does not find in the woman's medical records results from
6 the diagnostic test for syphilis and HIV infection performed under
7 Subsection (a-1), the physician or person shall:

8 (1) take or cause to be taken a sample of blood or
9 other appropriate specimen from the mother;

10 (2) submit the sample to an appropriately certified
11 laboratory for diagnostic testing approved by the United States
12 Food and Drug Administration for syphilis and HIV infection; and

13 (3) instruct the laboratory to expedite the processing
14 of the HIV test so that the results are received less than six hours
15 after the time the sample is submitted.

16 (c-2) If the physician or other person responsible for the
17 newborn child [~~in attendance at the delivery~~] does not find in the
18 woman's medical records results from a diagnostic test for syphilis
19 and HIV infection performed under Subsection (a-1), and the
20 diagnostic test for syphilis and HIV infection was not performed
21 before delivery under Subsection (c-1), the physician or other
22 person responsible for the newborn child [~~in attendance at~~
23 ~~delivery~~] shall:

24 (1) take or cause to be taken a sample of blood or
25 other appropriate specimen from the newborn child less than two
26 hours after the time of birth;

27 (2) submit the sample to an appropriately certified

1 laboratory for a diagnostic test approved by the United States Food
2 and Drug Administration for syphilis and HIV infection; and

3 (3) instruct the laboratory to expedite the processing
4 of the HIV test so that the results are received less than six hours
5 after the time the sample is submitted.

6 (p) Not later than January 1 of each odd-numbered year, the
7 department shall report to the legislature the number of cases of
8 early congenital syphilis and of late congenital syphilis that were
9 diagnosed in this state in the preceding biennium.

10 SECTION 2. Sections 81.090(a-1), (c), (c-1), and (c-2),
11 Health and Safety Code, as amended by this Act, apply only to
12 submission of a sample for diagnostic testing on or after the
13 effective date of this Act. The submission of a sample for
14 diagnostic testing before the effective date of this Act is covered
15 by the law in effect immediately before the effective date of this
16 Act, and the former law is continued in effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1128 passed the Senate on April 22, 2015, by the following vote: Yeas 29, Nays 1; and that the Senate concurred in House amendment on May 18, 2015, by the following vote: Yeas 29, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 1128 passed the House, with amendment, on May 12, 2015, by the following vote: Yeas 143, Nays 4, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor