

By: Zaffirini  
(Davis of Harris)

S.B. No. 1128

A BILL TO BE ENTITLED

AN ACT

relating to certain diagnostic testing during pregnancy.

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

SECTION 1. Sections 81.090(a-1), (c), (c-1), and (c-2), Health and Safety Code, are amended 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;

(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 Food and Drug Administration for[+]

~~[(A) syphilis, and~~

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

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

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

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

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

14            (c-2) If the physician or other person in attendance at the  
15 delivery does not find in the woman's medical records results from a  
16 diagnostic test for syphilis and HIV infection performed under  
17 Subsection (a-1), and the diagnostic test for syphilis and HIV  
18 infection was not performed before delivery under Subsection (c-1),  
19 the physician or other person in attendance at delivery shall:

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

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

26                    (3) instruct the laboratory to expedite the processing  
27 of the test so that the results are received less than six hours

1 after the time the sample is submitted.

2           SECTION 2. Sections 81.090(a-1), (c), (c-1), and (c-2),  
3 Health and Safety Code, as amended by this Act, apply only to  
4 submission of a sample for diagnostic testing on or after the  
5 effective date of this Act. The submission of a sample for  
6 diagnostic testing before the effective date of this Act is covered  
7 by the law in effect immediately before the effective date of this  
8 Act, and the former law is continued in effect for that purpose.

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