

Amendment No. 170

Senate Amendment to Senate Bill No. 304

(BDR 40-844)

Proposed by: Senate Committee on Health and Education**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	☐	Lost ☐	Adopted	☐	Lost ☐
Concurred In	☐	Not ☐	Concurred In	☐	Not ☐
Receded	☐	Not ☐	Receded	☐	Not ☐

EXPLANATION: Matter in (1) **blue bold italics** is new language in the original bill; (2) **green bold italic underlining** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold dashed underlining** is newly added transitory language.

CLP/SLP



Date: 4/5/2009

S.B. No. 304—Revises provisions relating to tests for certain communicable diseases. (BDR 40-844)



SENATE BILL NO. 304—SENATORS PARKS, COPENING, HORSFORD; CARLTON, COFFIN,
SCHNEIDER AND WIENER (BY REQUEST)

MARCH 16, 2009

JOINT SPONSORS: ASSEMBLYWOMEN PIERCE, LESLIE; AND SMITH

Referred to Committee on Health and Education

SUMMARY—Revises provisions relating to tests for certain communicable diseases. (BDR 40-844)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; revising provisions relating to certain tests for certain communicable diseases; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires physicians and persons who attend to pregnant women to conduct a test for syphilis on pregnant women during the third trimester of pregnancy. (NRS 442.010) **Section 1** of this bill requires an additional test for syphilis during the first trimester of pregnancy.

The State Board of Health is required to regulate certain medical laboratories and may adopt regulations concerning those laboratories. (Chapter 652 of NRS) Federal laws and regulations relating to medical laboratories provide three categories of laboratory tests: (1) waived tests; (2) tests of moderate complexity; and (3) tests of high complexity. (42 C.F.R. § 493.5) Existing state law provides that regulations adopted by the Board may not be more stringent than the federal regulations unless the regulations relate to waived tests or the qualifications and duties of the personnel of a medical laboratory. (NRS 652.123) **Section 2** of this bill provides that regulations relating to tests for the detection of the human immunodeficiency virus, regardless of whether it is a waived test, may not be more stringent than federal regulations. **Section 2 of this bill requires a laboratory which conducts a test for the detection of the human immunodeficiency virus that is classified as a waived test to: (1) conduct the test in accordance with the quality assurance guidelines established by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services; and (2) comply with certain reporting requirements.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 442.010 is hereby amended to read as follows:

442.010 1. Except as *otherwise* provided in subsection 5, every:

(a) Physician attending a pregnant woman during gestation for conditions relating to her pregnancy shall make an examination, including a standard serological test, for the discovery of syphilis. He shall take or cause to be taken a sample of blood of the woman during the *first and* third ~~trimester~~ *trimesters* and shall submit the sample to a qualified laboratory for a standard serological test for syphilis.

(b) Person permitted by law to attend upon pregnant women, but not permitted by law to make blood tests in Nevada, shall cause a sample of the blood of the pregnant woman to be taken during the *first and* third ~~trimester~~ *trimesters* by a duly licensed physician and submitted to a qualified laboratory for a standard serological test for syphilis.

2. A qualified laboratory is one approved by the State Board of Health. A qualified serological test for syphilis is one recognized as such by the State Board of Health.

3. If the test is made in a state laboratory, it must be made without charge.

4. If the serological or physical examination test shows the pregnant woman is infected with syphilis, she immediately shall commence treatment for syphilis and shall continue treatment until discharged by a licensed physician.

5. If the pregnant woman objects to the taking of the sample of blood or the serological test because the test is contrary to the tenets or practices of her religion, the sample must not be taken and the test must not be performed.

Sec. 2. Chapter 652 of NRS is hereby amended by adding thereto a new section to read as follows:

A laboratory which conducts a laboratory test for the detection of the human immunodeficiency virus that is classified as a waived test pursuant to the provisions of Part 493 of Title 42 of the Code of Federal Regulations shall:

1. Conduct the test in accordance with the quality assurance guidelines relating to testing using rapid human immunodeficiency virus antibody tests established by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services; and

2. Comply with the provisions of NRS 441A.150 and any regulations adopted pursuant to chapter 441A of NRS relating to the reporting of communicable diseases.

~~{Sec. 2.}~~ **Sec. 3.** NRS 652.123 is hereby amended to read as follows:

652.123 Regulations adopted by the Board pursuant to this chapter may not be more stringent than the provisions of Part 493 of Title 42 of the Code of Federal Regulations, except that the Board may adopt regulations which are more stringent relating to:

1. Any laboratory test , *other than a test for the detection of the human immunodeficiency virus*, classified as a waived test pursuant to the provisions of Part 493 of Title 42 of the Code of Federal Regulations; and

2. The qualifications and duties of the personnel of a medical laboratory.

~~{Sec. 3.}~~ **Sec. 4.** This act becomes effective on July 1, 2009.