

ASSEMBLY BILL NO. 192—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON HEALTH CARE)

MARCH 4, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the testing of pregnant women for certain sexually transmitted infections. (BDR 40-453)

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

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

AN ACT relating to public health; requiring, with certain exceptions, the testing of pregnant women for certain sexually transmitted infections; revising provisions concerning the testing of pregnant women for syphilis; revising penalties for failure to comply with provisions concerning testing of pregnant women for sexually transmitted infections; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) generally requires physicians and other persons who attend to a pregnant woman for conditions relating to her pregnancy to conduct a test for syphilis on the pregnant woman during the first and third trimesters of pregnancy; (2) requires a pregnant woman who tests positive for syphilis to receive treatment; and (3) provides that a violation of those requirements is a misdemeanor. (NRS 442.010, 442.020) **Section 1** of this bill requires physicians and other persons who attend to pregnant women to make or ensure the performance of an examination and testing of a pregnant woman for *Chlamydia trachomatis*, gonorrhea, hepatitis B and hepatitis C, unless the pregnant woman opts out of such examination and testing. **Section 2** of this bill expands the requirement to test a pregnant woman for syphilis by requiring an emergency department in a hospital or other medical facility admitting a pregnant woman to test the pregnant woman for syphilis if the pregnant woman indicates she has not had certain prenatal screenings and tests. **Section 2** also revises the times at which a pregnant woman must be tested for



syphilis. **Section 3** of this bill: (1) replaces the misdemeanor violation for violating syphilis testing requirements with a civil penalty; (2) authorizes the imposition of a civil penalty against a person who violates the requirements of **section 1** concerning testing for other sexually transmitted infections; and (3) removes the penalty for a pregnant woman who refuses treatment for syphilis.

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a physician or other person permitted by law to attend upon a pregnant woman during gestation for conditions relating to her pregnancy shall make or ensure the performance of an examination of each pregnant woman to whom he or she attends, including any standard laboratory tests recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, for the discovery of Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C. The physician or other person shall ensure that any necessary samples are taken from the pregnant woman and submitted to a laboratory approved by the State Board of Health for the testing required by this subsection.

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

3. A pregnant woman may opt out of any testing required by subsection 1.

Sec. 2. NRS 442.010 is hereby amended to read as follows:

442.010 1. Except as otherwise provided in subsection ~~5~~ 6, 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. The physician shall take or cause to be taken a sample of blood of the woman ~~[during the first and third trimesters]~~ *at the times prescribed by subsection 2, if applicable*, and shall submit the sample to a ~~[qualified]~~ laboratory *approved by the State Board of Health* 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 trimesters]~~ *at the times prescribed by subsection 2, if applicable*, by a duly licensed physician and submitted to a ~~[qualified]~~ laboratory *approved by the State Board of Health* for a standard serological test for syphilis.



(c) *Emergency department in a hospital or other medical facility admitting a pregnant woman shall ensure that an examination is made, including a standard serological test, for the discovery of syphilis if the pregnant woman indicates that she has not had the prenatal screenings and tests recommended by the American College of Obstetricians and Gynecologists or its successor organization. The emergency department shall ensure that a sample of blood of the woman is taken at the times prescribed by subsection 2, if applicable, and shall ensure the submission of the sample to a laboratory approved by the State Board of Health for a standard serological test for syphilis.*

2. ~~[A qualified laboratory is one approved by the State Board of Health.]~~ *An examination for the discovery of syphilis pursuant to paragraph (a) or (b) of subsection 1 must be performed:*

(a) *During the first trimester of pregnancy at the first visit to a physician or other person permitted by law to attend upon pregnant women, or as soon thereafter as practicable;*

(b) *During the third trimester of pregnancy between the 27th and 36th week of gestation or as soon thereafter as practicable; and*

(c) *At delivery for a pregnant woman who:*

(1) *Should be routinely tested for infection with syphilis, as recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;*

(2) *Lives in an area designated by the Division as having high syphilis morbidity;*

(3) *Did not receive prenatal care; or*

(4) *Delivers a stillborn infant after 20 weeks of gestation.*

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

~~[3.]~~ 4. If the test is made in a state laboratory, it must be made without charge.

~~[4.]~~ 5. 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.]~~ 6. 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. 3. NRS 442.020 is hereby amended to read as follows:

442.020 ~~[Any]~~

1. A physician or other person ~~[violating any of the provisions of]~~ *attending a pregnant woman who fails to perform an examination as required by paragraph (a) or (b) of subsection 1 of*



1 NRS 442.010 ~~[shall be guilty of a misdemeanor.]~~ or section 1 of
2 *this act may be assessed a civil penalty of not more than \$500.*

3 2. *A hospital or other medical facility may be assessed a civil*
4 *penalty of not more than \$500 if the emergency department of the*
5 *hospital or other medical facility admits a pregnant woman and*
6 *fails to ensure that an examination is made for the discovery of*
7 *syphilis as required by paragraph (c) of subsection 1 of*
8 *NRS 442.010.*

9 3. *An action for the enforcement of a civil penalty assessed*
10 *pursuant to this section may be brought in any court of competent*
11 *jurisdiction by the district attorney of the appropriate county or the*
12 *Attorney General.*

13 **Sec. 4.** This act becomes effective on July 1, 2021.

