

1 AN ACT relating to maternal health.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 214.160 is amended to read as follows:

4 (1) Every physician and every other person legally permitted to engage in attendance  
5 upon a pregnant woman in this state shall take or cause to be taken from the woman  
6 a specimen of blood for serological test for syphilis as soon as he ***or she*** is engaged  
7 to attend the woman and has reasonable grounds for suspecting that pregnancy  
8 exists. If the woman is in labor at the time the diagnosis of pregnancy is made,  
9 which may make it inadvisable to obtain a blood specimen at that time, the  
10 specimen shall be obtained within ten (10) days after delivery. The specimen of  
11 blood shall be submitted to the laboratory of the Cabinet for Health and Family  
12 Services or a laboratory approved by the cabinet for the purpose of having made a  
13 serological test for syphilis. The test shall be of a type approved by the Cabinet for  
14 Health and Family Services.

15 (2) The Cabinet for Health and Family Services shall, as often as necessary, publish a  
16 list of the five (5) most frequently abused substances, including alcohol, by  
17 pregnant women in the Commonwealth. Any physician and any other person legally  
18 permitted to engage in attendance upon a pregnant woman in this state may perform  
19 a screening for alcohol or substance dependency or abuse, including a  
20 comprehensive history of such behavior. Any physician may administer a  
21 toxicology test to a pregnant woman under the physician's care within eight (8)  
22 hours after delivery to determine whether there is evidence that she has ingested  
23 alcohol, a controlled substance, or a substance identified on the list provided by the  
24 cabinet, or if the woman has obstetrical complications that are a medical indication  
25 of possible use of any such substance for a nonmedical purpose.

26 (3) Any physician or person legally permitted to engage in attendance upon a pregnant  
27 woman may administer to each newborn infant born under that person's care a

1 toxicology test to determine whether there is evidence of prenatal exposure to  
2 alcohol, a controlled substance, or a substance identified on the list provided by the  
3 Cabinet for Health and Family Services, if the attending person has reason to  
4 believe, based on a medical assessment of the mother or the infant, that the mother  
5 used any such substance for a nonmedical purpose during the pregnancy.

6 (4) The circumstances surrounding any positive toxicology finding shall be evaluated  
7 by the attending person to determine if abuse or neglect of the infant, as defined  
8 under KRS 600.020(1), shall be reported to the state's child protective services  
9 agency.

10 (5) An infant affected by substance abuse withdrawal symptoms resulting from prenatal  
11 drug exposure or fetal alcohol spectrum disorder shall be reported to the state's  
12 child protective services agency in accordance with 42 U.S.C. sec. 5106a.

13 (6) No prenatal screening for alcohol or other substance abuse or positive toxicology  
14 finding shall be used as prosecutorial evidence.

15 (7) No person shall conduct or cause to be conducted any toxicological test pursuant to  
16 this section on any pregnant woman without first informing the pregnant woman of  
17 the purpose of the test.

18 (8) Every physician or other person legally permitted to engage in attendance upon a  
19 pregnant woman in the Commonwealth shall take or cause to be taken from the  
20 woman a specimen of blood which shall be submitted for the purpose of serologic  
21 testing for the presence of hepatitis B surface antigen to a laboratory certified by the  
22 United States Department for Health and Human Services pursuant to Section 333  
23 of the Public Health Service Act (42 U.S.C. sec. 263a), as revised by the Clinical  
24 Laboratory Improvement Amendments (CLIA), Pub.L. 100-578.

25 (9) (a) Every physician or other person legally permitted to engage in attendance  
26 upon a pregnant woman in the Commonwealth shall take or cause to be taken  
27 from the woman a specimen of blood which shall be submitted for the

1           purpose of serologic testing for the presence of hepatitis C virus antibodies  
2           and RNA in the blood.

3           (b) The results of this testing shall be recorded by the physician or other person  
4           legally permitted to engage in attendance upon a pregnant woman in the  
5           Commonwealth, in:

6           1. The permanent medical record of the woman; and  
7           2. The permanent medical record of the child or children she was pregnant  
8           with at the time of the testing after the child or children are born.

9           (c) If the woman receives a test result that shows she is positive for hepatitis C  
10          virus antibodies or RNA, the physician or other person legally permitted to  
11          engage in attendance upon a pregnant woman in the Commonwealth shall  
12          orally inform and clearly document the woman or the legal guardian of the  
13          child or children she was pregnant with at the time of the testing, that it is  
14          recommended that serologic testing for the presence of hepatitis C virus  
15          antibodies and confirmation RNA in the blood be conducted on the child or  
16          children she was pregnant with at the time of the testing at the twenty-four  
17          (24) month recommended well baby pediatric check-up.