

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas As Engrossed: H1/19/21 H3/1/21 H3/4/21 H3/15/21

93rd General Assembly

# A Bill

Regular Session, 2021

HOUSE BILL 1136

By: Representatives Boyd, Cloud, Pilkington

By: Senator B. Davis

## For An Act To Be Entitled

AN ACT TO REQUIRE HEPATITIS C SCREENING DURING  
PREGNANCY; AND FOR OTHER PURPOSES.

### Subtitle

TO REQUIRE HEPATITIS C SCREENING DURING  
PREGNANCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) Hepatitis C virus infection is the most common blood-borne infection in the United States;

(2) Public health professionals recommend Hepatitis C virus screening for all adults, including pregnant women;

(3) Hepatitis C virus screening is recommended for all pregnant women during each pregnancy, except in settings where the prevalence of Hepatitis C virus infection is less than one-tenth percent (0.1%);

(4) Pregnant mothers who have Hepatitis C virus can pass the virus that causes the disease to the baby during childbirth, whether the baby is delivered vaginally or through caesarean section, in five to ten percent (5-10%) of the cases;

(5) Hepatitis C virus infected infants require treatment that can be given at three (3) years of age and is effective in greater than ninety-five percent (95%) of cases;

(6) Untreated, chronic infection in infants can lead to



cirrhosis or scarring of the liver in one eight-tenths percent (1.8%) of children between two (2) and nine (9) years of age as well as hepatocellular carcinoma; and

(7) Pregnancy is an opportune time for women to receive a Hepatitis C virus screening while simultaneously receiving other prenatal screening and testing that is currently mandated by law.

SECTION 2. Arkansas Code Title 20, Chapter 15, Subchapter 1, is amended to add an additional section to read as follows:

20-15-101. Hepatitis C screening during pregnancy.

(a)(1) In addition to the testing of pregnant women required under § 20-16-507, a physician or a healthcare provider who is attending a pregnant woman in this state for conditions relating to pregnancy or any other person who is attending or providing medical treatment to a pregnant woman in this state shall:

(A) Take or cause to be taken a sample of venous blood or other approved specimen as early as reasonably possible in the pregnancy or at the time of delivery if the physician or healthcare provider did not attend the pregnant woman prenatally; and

(B) Submit the sample to an approved laboratory for a standard test for Hepatitis C.

(2)(A) If the pregnant woman declines to be tested for Hepatitis C, the physician or healthcare provider shall record in the patient's medical records that the pregnant woman was not tested for Hepatitis C based upon the refusal of the patient.

(B) The record of a patient refusal relieves the physician, the healthcare provider, and the Department of Corrections of any responsibility under this subsection.

(b) A physician or healthcare provider who is attending a pregnant woman in this state for conditions relating to pregnancy or other person who is attending or providing medical treatment to a pregnant woman shall:

(A) Inform a pregnant woman that Hepatitis C may be transmitted from a mother with Hepatitis C to her unborn child and that Hepatitis C may be prevented if the mother's Hepatitis C is diagnosed and treated; and

(B) Provide counseling and instruction to the pregnant woman regarding Hepatitis C in a manner determined by the Department of Health

based on contemporary state and federal standards.

(c)(1) Records, reports, data, or other information collected or maintained under this section that identify or could be used to identify an individual patient, healthcare provider, or institution are confidential and are not subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., or subject to subpoena, discovery, or introduction into evidence in a civil proceeding.

(2) Subdivision (c)(1) of this section does not affect the reports required to be submitted by the department under any other laws, rules, or federal regulations.

SECTION 3. Arkansas Code Title 23, Chapter 79, Subchapter 1, is amended to add an additional section to read as follows:

23-79-164. Coverage for hepatitis C screening during pregnancy.

(a) A health benefit plan that is offered, issued, or renewed in this state shall provide coverage for screening for hepatitis C during pregnancy by a healthcare professional on or after January 1, 2022.

(b) The coverage for screening for hepatitis C during pregnancy under this section:

(1) Is not subject to policy deductibles or copayment requirements; and

(2) Does not diminish or limit benefits otherwise allowable under a health benefit plan.

(c) Coverage provided for screening under subsection (a) of this section for a government self-insured plan is subject to any health benefit plan provisions that apply to other services covered by the health benefit plan.

/s/Boyd