

Introduced: 3/12/81
Referred: Health, Education &
Social Services and Judiciary

1 IN THE HOUSE

BY MARTIN

2 HOUSE BILL NO. 328

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to blood tests administered to protect
7 unborn children."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18.15.150 is amended to read:

10 Sec. 18.15.150. TAKING OF BLOOD SAMPLE. (a) Each licensed
11 physician and in the absence of a licensed physician each licensed
12 graduate nurse who attends a pregnant woman for conditions relating to
13 her pregnancy during the period of gestation, [OR] at delivery or, at
14 the time of a spontaneous miscarriage or stillbirth, shall take, or
15 have taken, a sample of the blood of the woman at the time of her first
16 professional visit, [OR] within 10 days after the visit, or within 24
17 hours of delivery, stillbirth, or spontaneous miscarriage if not taken
18 before delivery, stillbirth, or miscarriage unless the [SEROLOGICAL]
19 test is contrary to the tenets or practice of the religious creed of
20 which she is an adherent. The blood specimen shall be submitted to an
21 approved laboratory or clinic for a standard [SEROLOGICAL] test of
22 syphilis, immunological response to rubella, determination of rhesus
23 (Rh) blood type, and Rh sensitivity. Any other person permitted by law
24 to attend pregnant women but not permitted by law to take blood samples
25 shall have a sample of blood taken by a licensed physician, or on order
26 of a licensed physician and shall submit the sample to an approved
27 laboratory or clinic for a standard [SEROLOGICAL] test for syphilis,
28 immunological response to rubella, determination of rhesus (Rh) blood
29 type, and Rh sensitivity.

1 (b) If the blood tests taken under (a) of this section determine
2 that the woman is Rh negative and the woman is known not to be Rh sen-
3 sitized (ascertained by the result of an indirect Coomb's test), the
4 woman shall be administered an appropriate dosage of Rhogam within 72
5 hours of the delivery, spontaneous miscarriage, or stillbirth, unless
6 blood of the fetus or infant is obtainable, and the fetal or infant
7 blood is determined to be Rh negative.

8 * Sec. 2. AS 18.15.160 is amended to read:

9 Sec. 18.15.160. TEST FOR SYPHILIS, RUBELLA, AND Rh BLOOD TYPE AND
10 SENSITIVITY. For the purposes of AS 18.15.150 - 18.15.180 a standard
11 [SEROLOGICAL] test is a test for syphilis, immunological response to
12 rubella, the determination of rhesus (Rh) blood type, and Rh sensitivity
13 approved by the department and shall be performed in a laboratory or
14 clinic approved by the department. On request the laboratory test
15 required by AS 18.15.150 - 18.15.180 shall be performed without charge
16 at the laboratories of the department.

17 * Sec. 3. AS 18.15.170 is amended to read:

18 Sec. 18.15.170. REPORT OF BIRTH. In reporting a birth and
19 stillbirth, the physician and other person required to make the report
20 shall state on the certificate whether a [SEROLOGICAL] test for syphi-
21 lis, immunological response to rubella, the determination of rhesus (Rh)
22 blood type, and Rh sensitivity has been made upon a specimen of blood
23 taken from the woman who bore the child and the approximate date when
24 the specimen was taken. A birth certificate may not state the result
25 of the test.

26 * Sec. 4. AS 18.16.010(a) is amended to read:

27 (a) No abortion may be performed in this state unless (1) the
28 abortion is performed by a physician or surgeon licensed by the State
29 Medical Board under AS 08.64.200; (2) the abortion is performed in a

1 hospital or other facility approved for the purpose by the Department
2 of Health and Social Services [WELFARE] or a hospital operated by the
3 federal government or an agency of the federal government; (3) consent
4 has been received from the parent or guardian of an unmarried woman
5 less than 18 years of age; [AND] (4) the woman is domiciled or physic-
6 ally present in the state for 30 days before the abortion; (5) the phy-
7 sician or surgeon performing the abortion obtains or causes to be ob-
8 tained a blood sample of the woman within 24 hours of the abortion, and
9 submits the sample to a laboratory approved by the Department of Health
10 and Social Services for a test to determine the woman's rhesus (Rh)
11 blood type, and Rh sensitivity; and (6) the woman is administered an
12 appropriate dosage of Rhogam within 72 hours of the abortion, if the
13 blood tests performed under (5) of this subsection determine that the
14 woman is Rh negative and the woman is known not to be Rh sensitized
15 (ascertained by the result of an indirect Coomb's test). "Abortion" in
16 this section means an operation or procedure to terminate the pregnancy
17 of a nonviable fetus. Nothing in this section requires a hospital or
18 person to participate in an abortion, nor is a hospital or person
19 liable for refusing to participate in an abortion under this section.

20 * Sec. 5. AS 25.05.101(a)(2) is amended to read:

21 (2) that the applicant has been tested, as prescribed in the
22 regulations of the department, for the presence of infectious or herit-
23 able disease including the presence of immunological response to rubella
24 in the female applicant, except that a test for rubella need not be ad-
25 ministered to a female applicant who

26 (A) is over 50 years of age;

27 (B) has had a surgical sterilization; or

28 (C) presents laboratory evidence of a prior test

29 declaring her immunity to rubella; and