

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1822

By: Cotner

AS INTRODUCED

An Act relating to marriage and family; amending 43 O.S. 1991, Sections 33 and 35, which relate to certain tests for syphilis; removing certain duplicate language; requiring certain tests to be submitted to certain laboratories; amending 63 O.S. 1991, Section 515, which relates to tests for pregnant women regarding syphilis; requiring certain tests by certain laboratories; requiring reports; requiring confidentiality; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 43 O.S. 1991, Section 33, is amended to read as follows:

Section 33. A. Any physician taking or causing to be taken a sample of blood for the discovery of syphilis from a person making application for a marriage license pursuant to Section 31 of this title shall submit such samples only to a laboratory possessing a current, unrevoked or unsuspended certificate issued by the United States Department of Health and Human Services applicable to the category of examinations or procedures performed by the laboratory for syphilis.

B. Each physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test, or from some other person authorized to make such statement, setting forth the name of the test, the date it was completed and the name and address of the person whose blood was tested, but not stating the result of the test. The physician's statement and the laboratory statement shall be on the same form sheet. Upon said form a detailed report of the laboratory test, showing the result of the test, shall be transmitted by the laboratory to the physician who, after examining it and if he deems it desirable, discussing it with either or both of the proposed marital parties, shall file it with the State ~~Health Officer, or State Superintendent~~ Department of Health, where it shall be held in absolute confidence and shall not be open to public inspection; provided that it shall be produced for evidence at a trial or proceeding in a court of competent jurisdiction, involving issues in which it may be material and relevant, on an order of the judge of such court requiring its production.

SECTION 2. AMENDATORY 43 O.S. 1991, Section 35, is amended to read as follows:

Section 35. A standard serological test shall be a laboratory test for syphilis, approved by the State Commissioner of Public Health, ~~and shall be performed by the State Department of Public Health, on request, free of charge, or at a laboratory approved for this purpose by said State Department of Public Health.~~

SECTION 3. AMENDATORY 63 O.S. 1991, Section 515, is amended to read as follows:

Section 515. A. Every physician attending a pregnant woman in Oklahoma during gestation shall, in the case of each woman so attended, take or cause to be taken a sample of blood of such woman at the time of first examination, and submit such sample to ~~an~~ approved a laboratory for a standard serological test for syphilis.

B. Every other person permitted by law to attend upon pregnant women in the state but not permitted by law to take blood tests shall cause a sample of the blood of such pregnant woman to be taken by a duly licensed physician, licensed to practice in the State of Oklahoma, and submitted to ~~an approved~~ a laboratory for a standard serological test for syphilis. ~~The term "approved laboratory" shall mean a laboratory approved for the purposes of this section by the State Commissioner of Health.~~

C. A physician shall refer specimens for testing only to a laboratory possessing a current, unrevoked or unsuspended certificate issued by the United States Department of Health and Human Services applicable to the category of examinations or procedures performed by the laboratory for syphilis.

D. A standard serological test for syphilis shall be one recognized as such by the Commissioner. Any physician taking or causing to be taken a sample of blood for the discovery of syphilis from a pregnant woman pursuant to the provisions of this section shall file the test results with the Oklahoma State Department of Health, where they shall be held in absolute confidence and shall not be open to public inspection. Such laboratory tests shall be made, on request, without charge by the State Department of Health.

SECTION 4. This act shall become effective July 1, 1993.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-6162

KSM