

**SENATE BILL No. 497**

By Committee on Ways and Means

3-8

1 AN ACT concerning healthcare and healthcare providers; relating to birth  
2 risk factor screening for pregnant women; powers, duties and functions  
3 of the Kansas department for health and environment.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) As used in this section:

7 (1) "Birth risk factor" means a determination that a pregnant woman  
8 engages in tobacco use, alcohol consumption or substance abuse, has a  
9 diagnosis for depression or is a victim of domestic violence.

10 (2) "Physician" means a person licensed by the state board of healing  
11 arts to practice medicine and surgery.

12 (b) (1) A physician or other healthcare professional who is authorized  
13 by law to provide medical treatment to a pregnant woman shall take or  
14 cause to be taken, during the first trimester of pregnancy, a routine opt-out  
15 screening for birth risk factors. When the physician or other healthcare  
16 professional determines that a pregnant woman has a birth risk factor, or is  
17 at high risk of a birth risk factor during the woman's pregnancy, the  
18 physician or other healthcare professional shall administer a repeat  
19 screening during the third trimester of pregnancy or as soon after labor and  
20 delivery as practicable.

21 (2) A pregnant woman shall have the right to refuse screening under  
22 this subsection at any time.

23 (3) Before any screening is performed pursuant to this subsection, a  
24 physician or other healthcare provider shall inform the pregnant woman, in  
25 writing, of the provisions of this subsection and the purposes and benefits  
26 of the screening. The form of the written information required by this  
27 subsection shall be provided by the Kansas department of health and  
28 environment and shall require a pregnant woman to either authorize or opt-  
29 out of the screening in writing. The form shall contain the following  
30 wording: "I test all of my pregnant patients for birth risk factors as part of  
31 the panel of routine tests to alert me to any activities, conditions or  
32 circumstances that can have a very serious effect on your pregnancy and  
33 your baby. You will be tested for birth risk factors unless you tell me not  
34 to."

35 (c) The secretary for health and environment, in consultation with the  
36 state board of healing arts, shall adopt rules and regulations as may be

- 1 necessary to administer the provisions of this section and to establish
- 2 guidelines for routine birth risk factor screening for pregnant women.
- 3 Sec. 2. This act shall take effect and be in force from and after its
- 4 publication in the statute book.