

TITLE 39  
HEALTH AND SAFETY

CHAPTER 10  
PREVENTION OF CONGENITAL SYPHILIS

39-1001. SEROLOGICAL TEST OF PREGNANT OR RECENTLY-DELIVERED WOMEN. Every licensed physician attending a pregnant woman for a condition relating to her pregnancy, or at delivery, or after delivery for a condition relating to her pregnancy, shall in the case of every woman so attended, take or cause to be taken a sample of blood of such woman at the time of first examination or within fifteen (15) days thereafter, and shall submit such sample to the laboratory of the department of health and welfare or to a laboratory approved by the director of the department, for a standard serological test for syphilis. In submitting such sample to the laboratory, the physician shall specify whether it is for a prenatal test or a test following recent delivery. The laboratory of the department of health and welfare shall analyze such sample upon the request of any licensed physician and may collect a fee for the performance of such analyses.

[39-1001, added 1943, ch. 26, sec. 1, p. 53; am. 1970, ch. 26, sec. 1, p. 52; am. 1974, ch. 23, sec. 109, p. 633.]

39-1002. PROCEDURE WHEN WOMAN NOT ATTENDED BY LICENSED PHYSICIAN. Every other person attending a pregnant or recently delivered woman in the state, but not permitted by law to take blood samples, shall within fifteen (15) days of the first examination cause a sample of blood of such woman to be taken by a licensed physician and have the sample submitted to the laboratory of the state department of health and welfare for a standard serological test for syphilis, or to a laboratory approved by said board.

[39-1002, added 1943, ch. 26, sec. 2, p. 53; am. 1974, ch. 23, sec. 110, p. 633.]

39-1003. STANDARD SEROLOGICAL TEST DEFINED. For the purpose of sections [39-1001](#)--[39-1006](#), Idaho Code, a standard serological test shall be a test for syphilis approved by the state board of health and welfare.

[39-1003, added 1943, ch. 26, sec. 3, p. 53; am. 1974, ch. 23, sec. 111, p. 633.]

39-1004. LABORATORY REPORT OF TEST. The laboratory analyzing the blood sample shall furnish to the physician offering the sample a detailed report of the standard serological test, and including the result of the test. If the laboratory is not operated by the state department of health and welfare, a copy of such report shall be filed with the department. The report shall be held in absolute confidence, and shall not be open to public inspection.

[39-1004, added 1943, ch. 26, sec. 4, p. 53; am. 1974, ch. 23, sec. 112, p. 633.]

39-1005. REPORTS OF BIRTHS AND STILLBIRTHS TO NOTE MAKING OF TEST. In reporting every birth and stillbirth, physicians and others required to make such reports shall state on the certificates of birth or death whether a

standard serological test for syphilis has been made upon a sample of blood taken from the woman who bore the child for which a certificate is filed, and the approximate date when the sample was taken. The birth or death certificate shall not state the result of the test.

[39-1005, added 1943, ch. 26, sec. 5, p. 53.]

39-1006. PENALTY FOR VIOLATIONS. Any person who violates the provisions of sections [39-1001](#)--[39-1006](#) shall be guilty of a misdemeanor; provided, however, that every licensed physician or other person attending a pregnant or recently delivered woman, who requests such sample in accordance with the provisions of sections [39-1001](#)--[39-1006](#), and whose request is refused, shall not be guilty of a misdemeanor.

[39-1006, added 1943, ch. 26, sec. 6, p. 53.]