

HOUSE BILL No. 4642

March 25, 1991, Introduced by Reps. Stopczynski, DeMars, Bartnik, O'Connor, Law, Dolan and Munsell and referred to the Committee on Public Health.

A bill to amend sections 5119 and 5121 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

section 5119 as amended by Act No. 46 of the Public Acts of 1990 and section 5121 as added by Act No. 491 of the Public Acts of 1988, being sections 333.5119 and 333.5121 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5119 and 5121 of Act No. 368 of the
2 Public Acts of 1978, section 5119 as amended by Act No. 46 of the
3 Public Acts of 1990 and section 5121 as added by Act No. 491 of
4 the Public Acts of 1988, being sections 333.5119 and 333.5121 of
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 5119. (1) Except as otherwise provided in ~~subsection~~
7 SUBSECTIONS (4) AND (5), an ~~individual~~ APPLICANT ~~applying~~ for

1 a marriage license shall be EXAMINED BY A PHYSICIAN FOR THE
2 EXISTENCE OF VENEREAL DISEASE WITHIN 30 DAYS BEFORE THE APPLICA-
3 TION FOR A MARRIAGE LICENSE IS FILED AND SHALL BE counseled by a
4 physician or a local health officer or a designee of a local
5 health officer regarding the transmission and prevention of vene-
6 real disease and HIV infection. THE PHYSICIAN SHALL INCLUDE IN
7 THE EXAMINATION FOR VENEREAL DISEASE A SEROLOGICAL TEST APPROVED
8 BY THE DEPARTMENT, A DARK FIELD TEST IF INDICATED, AND A GONO-
9 COCCI TEST APPROVED BY THE DEPARTMENT IF INDICATED, AND SHALL
10 SUBMIT THE SPECIMENS IN A MANNER PRESCRIBED BY THE DEPARTMENT.
11 The physician, local health officer, or designee of the local
12 health officer shall offer to ~~the~~ AN applicant ~~tests~~ A TEST
13 for ~~both venereal disease and~~ HIV infection. At the time the
14 application for a marriage license is filed, the county clerk
15 shall distribute to each applicant educational materials prepared
16 by the department on topics related to venereal disease, HIV
17 transmission, and prenatal care. The information shall include a
18 list of locations where HIV counseling and testing services
19 funded by the department are available.

20 (2) A county clerk shall not issue a marriage license to an
21 applicant who fails to present and file with the county clerk ~~+~~
22 BOTH of the following:

23 (A) A MEDICAL CERTIFICATE ISSUED BY THE EXAMINING PHYSICIAN
24 UNDER SUBSECTION (1) STATING THAT THE APPLICANT IS FREE FROM
25 VENEREAL DISEASE OR, IF INFECTED, IS IN A NONCOMMUNICABLE STAGE
26 AND WILL NOT ENDANGER THE HEALTH OF THE OTHER APPLICANT TO THE

1 PROPOSED MARRIAGE OR ISSUE OF THE MARRIAGE, OR A COURT ORDER
2 WAIVING THIS EXAMINATION REQUIREMENT PURSUANT TO SUBSECTION (5).

3 (B) ~~(a)~~ A COUNSELING certificate indicating that the
4 applicant has received counseling regarding the transmission and
5 prevention of both venereal disease and HIV infection and has
6 been offered testing for ~~both venereal disease and~~ HIV infec-
7 tion ~~—~~ pursuant to subsection (1), OR A WRITTEN OBJECTION TO
8 THIS COUNSELING REQUIREMENT PURSUANT TO SUBSECTION (4).

9 ~~(b) A written objection pursuant to subsection (4).~~

10 (3) If ~~either~~ AN applicant for a marriage license under-
11 goes a test for HIV or an antibody to HIV ~~—~~ UNDER
12 SUBSECTION (1) and ~~if~~ the test results indicate that ~~an~~ THE
13 applicant is HIV infected, the physician, local health officer,
14 or designee of the local health officer administering the test
15 ~~immediately~~ shall IMMEDIATELY inform both applicants TO THE
16 PROPOSED MARRIAGE of the test results, and shall counsel the
17 applicants regarding the modes of HIV transmission, the potential
18 for HIV transmission to a fetus, and protective measures.

19 (4) An applicant ~~or prospective applicant~~ for a marriage
20 license may file a written objection with the clerk for the
21 county in which the license is to be issued stating that the
22 counseling requirements of subsection (1) violate the personal
23 religious beliefs of the applicant.

24 (5) IF AN APPLICANT FOR A MARRIAGE LICENSE FILES A WRITTEN
25 OBJECTION WITH A DISTRICT COURT OR CIRCUIT COURT FOR THE COUNTY
26 IN WHICH THE MARRIAGE LICENSE IS TO BE ISSUED STATING THAT THE
27 EXAMINATION FOR VENEREAL DISEASE REQUIREMENT UNDER SUBSECTION (1)

1 VIOLATES THE PERSONAL RELIGIOUS BELIEFS OF THE APPLICANT, THE
2 COURT MAY ISSUE A WRITTEN ORDER WAIVING THE REQUIREMENT FOR THAT
3 APPLICANT.

4 (6) ~~-(5)-~~ The county clerk for the county in which the
5 license is to be issued may charge a fee for the administrative
6 costs associated with filing the written objection UNDER
7 SUBSECTION (4). This fee shall not exceed the amount charged by
8 the local health department for the county for marriage license
9 counseling services as described in subsection (1).

10 Sec. 5121. A person who commits any of the following acts
11 is guilty of a misdemeanor:

12 (a) A county clerk who issues a marriage license to an indi-
13 vidual who fails to ~~present a certificate required~~ COMPLY WITH
14 THE REQUIREMENTS under section 5119(2).

15 (b) A person who knows that an applicant for a marriage
16 license has taken a test for ~~venereal disease or~~ HIV infection
17 ~~, or both,~~ under section 5119(1) ~~,~~ and ~~who~~ discloses either
18 the fact that the applicant has taken the test or the results of
19 the test, or both, except as required by law, and except as pro-
20 vided under section 5131.

21 (c) A physician who knowingly and willfully makes a false
22 statement in a certificate given by the physician under section
23 5119.