



HOUSE BILL No. 5029

October 26, 1999, Introduced by Reps. Gosselin, DeHart, Green, Kuipers, Jansen, Bishop, Kukuk, Voorhees and Garcia and referred to the Committee on Family and Civil Law.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5119 (MCL 333.5119), as amended by 1994 PA 75.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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1 Sec. 5119. (1) ~~Except as otherwise provided in~~
2 ~~subsection (4), an~~ AN individual applying for a marriage license
3 shall be ~~counseled by a physician or a designee of the physi-~~
4 ~~cian, a physician's assistant, a certified nurse midwife, a cer-~~
5 ~~tified nurse practitioner, or a local health officer or a desig-~~
6 ~~nee of a local health officer~~ ADVISED THROUGH THE DISTRIBUTION
7 OF WRITTEN EDUCATIONAL MATERIALS BY THE COUNTY CLERK regarding
8 the transmission and prevention of venereal disease and HIV
9 infection. ~~A physician or a designee of the physician, a~~
10 ~~physician's assistant, a certified nurse midwife, a certified~~

~~1 nurse practitioner, or a local health officer or designee of the~~
~~2 local health officer who counsels an applicant for a marriage~~
~~3 license under this subsection~~ THE WRITTEN EDUCATIONAL MATERIALS
~~4 shall offer~~ DESCRIBE THE AVAILABILITY to the applicant ~~or~~
~~5 refer the applicant for~~ OF tests for both venereal disease and
~~6 HIV infection.~~ At the time an application for a marriage license
~~7 is filed, the county clerk with whom the application is filed~~
~~8 shall distribute to each applicant educational materials prepared~~
~~9 AND SUPPLIED~~ by the department on topics related to venereal dis-
~~10 ease, HIV transmission, and prenatal care.~~ The information shall
~~11 include a list of locations where HIV counseling and testing~~
~~12 services funded by the department are available.~~

~~13~~ (2) A county clerk shall not issue a marriage license to an
~~14 applicant who fails to present and file with the county clerk~~ ~~+~~
~~15 of the following:~~

~~16~~ (a) ~~A~~ A certificate indicating that the applicant has
~~17 received counseling~~ EDUCATIONAL MATERIALS regarding the trans-
~~18 mission and prevention of both venereal disease and HIV infection~~
~~19 and has been offered or referred for~~ ADVISED OF testing for
~~20 both venereal disease and HIV infection, pursuant to subsection~~
~~21 (1).~~

~~22~~ ~~(b) A written objection as described in subsection (4).~~

~~23~~ (3) If either applicant for a marriage license undergoes a
~~24 test for HIV or an antibody to HIV, and if the test results indi-~~
~~25 cate that an applicant is HIV infected, the physician or a desig-~~
~~26 nee of the physician, the physician's assistant, the certified~~
~~27 nurse midwife, or the certified nurse practitioner or the local~~

1 health officer or designee of the local health officer
2 administering the test immediately shall inform both applicants
3 of the test results. ~~, and shall counsel both applicants regard-~~
4 ~~ing the modes of HIV transmission, the potential for HIV trans-~~
5 ~~mission to a fetus, and protective measures.~~

6 ~~(4) An applicant or prospective applicant for a marriage~~
7 ~~license may file a written objection with the clerk for the~~
8 ~~county in which the license is to be issued stating that the~~
9 ~~counseling requirements of subsection (1) violate the personal~~
10 ~~religious beliefs of the applicant. Subsection (1) does not~~
11 ~~apply to an applicant who files a written objection under this~~
12 ~~subsection.~~

13 ~~(5) The county clerk for the county in which the license is~~
14 ~~to be issued may charge a fee for the administrative costs asso-~~
15 ~~ciated with filing a written objection under subsection (4). The~~
16 ~~fee shall not exceed the amount charged by the local health~~
17 ~~department for that county for marriage license counseling serv-~~
18 ~~ices performed pursuant to subsection (1).~~

19 (4) ~~-(6)-~~ As used in this section:

20 (a) "Certified nurse midwife" means an individual licensed
21 as a registered professional nurse under part 172 who has been
22 issued a specialty certification in the practice of nurse midwif-
23 ery by the board of nursing under section 17210.

24 (b) "Certified nurse practitioner" means an individual
25 licensed as a registered professional nurse under part 172 who
26 has been issued a specialty certification as a nurse practitioner
27 by the board of nursing under section 17210.

1 (c) "Physician" means an individual licensed as a physician
2 under part 170 or an osteopathic physician under part 175.

3 (d) "Physician's assistant" means an individual licensed as
4 a physician's assistant under part 170 or part 175.