

SENATE BILL No. 535

July 27, 1989, Introduced by Senator CRUCE and referred
to the Committee on Health Policy.

A bill to amend section 5119 of Act No. 368 of the Public
Acts of 1978, entitled as amended
"Public health code,"
as added by Act No. 491 of the Public Acts of 1988, being section
333.5119 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 5119 of Act No. 368 of the Public Acts
2 of 1978, as added by Act No. 491 of the Public Acts of 1988,
3 being section 333.5119 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 5119. (1) ~~An~~ EXCEPT AS OTHERWISE PROVIDED IN
6 SUBSECTION (4), AN individual applying for a marriage license
7 shall be counseled by a physician or a local health officer or a
8 designee of a local health officer regarding the transmission and
9 prevention of venereal disease and HIV infection. The physician,

1 local health officer, or designee of the local health officer
2 shall offer to the applicant tests for both venereal disease and
3 HIV infection. The county clerk shall distribute to each appli-
4 cant educational materials prepared by the department on topics
5 related to venereal disease, HIV transmission, and prenatal
6 care. The information shall include a list of locations where
7 HIV counseling and testing services funded by the department are
8 available.

9 (2) A county clerk shall not issue a marriage license to an
10 applicant who fails to present and file with the county clerk ~~a-~~
11 1 OF THE FOLLOWING:

12 (A) A certificate indicating that the applicant has received
13 counseling regarding the transmission and prevention of both
14 venereal disease and HIV infection and has been offered testing
15 for both venereal disease and HIV infection, pursuant to subsec-
16 tion (1).

17 (B) A WRITTEN STATEMENT THAT MEETS THE REQUIREMENTS OF
18 SUBSECTION (4).

19 (3) If either applicant for a marriage license undergoes a
20 test for HIV or an antibody to HIV, and if the test results indi-
21 cate that an applicant is HIV infected, the physician, local
22 health officer, or designee of the local health officer adminis-
23 tering the test immediately shall inform both applicants of the
24 test results, and shall counsel the applicants regarding the
25 modes of HIV transmission, the potential for HIV transmission to
26 a fetus, and protective measures.

1 (4) IF THE REQUIREMENTS OF SUBSECTION (1) VIOLATE THE
2 PERSONAL RELIGIOUS BELIEFS OF AN APPLICANT FOR A MARRIAGE
3 LICENSE, THE APPLICANT MAY OBTAIN AND PRESENT TO THE COUNTY CLERK
4 A WRITTEN STATEMENT THAT MEETS THE REQUIREMENTS OF THIS
5 SUBSECTION. THE WRITTEN STATEMENT SHALL BE EXECUTED BY A MINIS-
6 TER WHO MEETS THE REQUIREMENTS DESCRIBED IN SECTION 7(H) OR (I)
7 OF CHAPTER 83 OF THE REVISED STATUTES OF 1846, BEING
8 SECTION 551.7 OF THE MICHIGAN COMPILED LAWS, ON A FORM PREPARED
9 BY THE DEPARTMENT AND PROVIDED BY THE COUNTY CLERK. THE FORM
10 SHALL CONTAIN ALL OF THE FOLLOWING:

11 (A) A STATEMENT THAT THE APPLICANT IS AN ACTIVE MEMBER OF
12 THE MINISTER'S CHURCH.

13 (B) A STATEMENT THAT THE TEACHINGS OF THE MINISTER'S CHURCH,
14 COMBINED WITH THE APPLICANT'S DEMONSTRATED BEHAVIOR AND LIFE-
15 STYLE, ARE SUFFICIENT TO PREVENT THE APPLICANT FROM ACQUIRING AND
16 TRANSMITTING VENEREAL DISEASE OR HIV INFECTION, OR BOTH.

17 (C) A STATEMENT THAT THE MINISTER HAS RECOMMENDED TO THE
18 APPLICANT THAT HE OR SHE UNDERGO TESTS FOR BOTH VENEREAL DISEASE
19 AND HIV INFECTION.