



HOUSE BILL No. 4962

July 15, 1993, Introduced by Rep. Bennane and referred to the Committee on Public Health.

A bill to amend section 5119 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended by Act No. 46 of the Public Acts of 1990, 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 amended by Act No. 46 of the Public Acts of 1990,
3 being section 333.5119 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 5119. (1) Except as otherwise provided in
6 subsection (4), an individual applying for a marriage license
7 shall be counseled by a physician OR A DESIGNEE OF THE PHYSICIAN,
8 A CERTIFIED NURSE MIDWIFE, A CERTIFIED NURSE PRACTITIONER, or a
9 local health officer or a designee of a local health officer

1 regarding the transmission and prevention of venereal disease and
2 HIV infection. ~~The~~ A physician OR A DESIGNEE OF THE PHYSICIAN,
3 A CERTIFIED NURSE MIDWIFE, A CERTIFIED NURSE PRACTITIONER, OR A
4 local health officer ~~—~~ or designee of the local health officer
5 WHO COUNSELS AN APPLICANT FOR A MARRIAGE LICENSE UNDER THIS
6 SUBSECTION shall offer to the applicant OR REFER THE APPLICANT
7 FOR tests for both venereal disease and HIV infection. At the
8 time ~~the~~ AN application for a marriage license is filed, the
9 county clerk WITH WHOM THE APPLICATION IS FILED shall distribute
10 to each applicant educational materials prepared by the depart-
11 ment on topics related to venereal disease, HIV transmission, and
12 prenatal care. The information shall include a list of locations
13 where HIV counseling and testing services funded by the depart-
14 ment are available.

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

18 (a) A certificate indicating that the applicant has received
19 counseling regarding the transmission and prevention of both
20 venereal disease and HIV infection and has been offered OR
21 REFERRED FOR testing for both venereal disease and HIV infection,
22 pursuant to subsection (1).

23 (b) A written objection ~~pursuant to~~ AS DESCRIBED IN sub-
24 section (4).

25 (3) If either applicant for a marriage license undergoes a
26 test for HIV or an antibody to HIV, and if the test results
27 indicate that an applicant is HIV infected, the physician OR A

1 DESIGNEE OF THE PHYSICIAN, THE CERTIFIED NURSE MIDWIFE, OR THE
2 CERTIFIED NURSE PRACTITIONER OR THE local health officer ~~or~~ or
3 designee of the local health officer administering the test imme-
4 diately shall inform both applicants of the test results, and
5 shall counsel ~~the~~ BOTH applicants regarding the modes of HIV
6 transmission, the potential for HIV transmission to a fetus, and
7 protective measures.

8 (4) An applicant or prospective applicant for a marriage
9 license may file a written objection with the clerk for the
10 county in which the license is to be issued stating that the
11 counseling requirements of subsection (1) violate the personal
12 religious beliefs of the applicant. SUBSECTION (1) DOES NOT
13 APPLY TO AN APPLICANT WHO FILES A WRITTEN OBJECTION UNDER THIS
14 SUBSECTION.

15 (5) The county clerk for the county in which the license is
16 to be issued may charge a fee for the administrative costs asso-
17 ciated with filing ~~the~~ A written objection UNDER
18 SUBSECTION (4). ~~This~~ THE fee shall not exceed the amount
19 charged by the local health department for ~~the~~ THAT county for
20 marriage license counseling services ~~as described in~~ PERFORMED
21 PURSUANT TO subsection (1).

22 (6) AS USED IN THIS SECTION:

23 (A) "CERTIFIED NURSE MIDWIFE" MEANS AN INDIVIDUAL LICENSED
24 AS A REGISTERED PROFESSIONAL NURSE UNDER PART 172 WHO HAS BEEN
25 ISSUED A SPECIALTY CERTIFICATION IN THE PRACTICE OF NURSE MIDWIF-
26 ERY BY THE BOARD OF NURSING UNDER SECTION 17210.

1 (B) "CERTIFIED NURSE PRACTITIONER" MEANS AN INDIVIDUAL
2 LICENSED AS A REGISTERED PROFESSIONAL NURSE UNDER PART 172 WHO
3 HAS BEEN ISSUED A SPECIALTY CERTIFICATION AS A NURSE PRACTITIONER
4 BY THE BOARD OF NURSING UNDER SECTION 17210.

5 (C) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED AS A PHYSICIAN
6 UNDER PART 170 OR AN OSTEOPATHIC PHYSICIAN UNDER PART 175.