SENATE BILL NO. 180

INTRODUCED BY MAZUREK

BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

IN THE SENATE

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January 17, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.	
Pebruary 1, 1983	Committee recommend bill do pass. Report adopted.	
	Statement of Intent attached.	
Pebruary 2, 1983	Bill printed and placed on members' desks.	
February 3, 1983	Second reading, do pass.	
February 4, 1983	Correctly engrossed.	
Pebruary 5, 1983	Third reading, passed. Ayes, 46; Noes, 0. Transmitted to House.	
IN THE HOL	JSE	
February 7, 1983	Introduced and referred to Committee on Human Services.	
March 7, 1983	Committee recommend bill be concurred in. Report adopted.	
March 9, 1983	Second reading, concurred in.	
March 10, 1983	Third reading, concurred in.	

IN THE SENATE

March 11, 1983

Returned to Senate. Sent to enrolling.

Reported correctly enrolled.

LC 0481/01

ente BILL NO. 180 1 INTRODUCED BY z BY REQUEST OF THE DEPARTNENT OF HEALTH 3

AND ENVIRONMENTAL SCIENCES

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 7 REQUIREMENTS FOR PREMARITAL SEROLOGICAL TESTS; 'AMENDING 8 SECTIONS 40-1-203, 40-1-204, 40-1-206, AND 40-1-208, MCA; 9 AND REPEALING SECTION 50-19-106, MCA."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA: 11 Section 1. Section 40-1-203; MCA, is amended to read: 12 13 #40-1-203. Proof of age and medical certificate required. (1) Before a person authorized by law to issue 14 marriage licenses may issue a marriage license, each 15 16 applicant therefor shall exhibit to him a birth certificate or other satisfactory evidence of age and, if the applicant 17 is a minor, the approval required by 40-1-213, and Each 18 19 female applicant, unless exempted on medical arounds by rule 20 of the department of health and environmental sciences: shall file with him the license issuer a medical certificate 21 from a physician, licensed to practice medicine and surgery 22 in any state or United States territory, or any other person 23 authorized by laws of Montana to make a medical certificate. 24 25 The certificate shall state that the applicant has been given a standard serological test, performed not more than
20-doys <u>6 months</u> before the date of issuance of the license,
and that the report of the results of the serological test
has been exhibited to the applicant <u>tested</u> and that <u>each the</u>
<u>other</u> party to the proposed marriage contract has examined
the report of the serological test of the other party to the
proposed-contract.

8 (2) A person who by law is able to obtain a marriage 9 license in this state is also able to give consent to any 10 examinations and tests required by this section. In 11 submitting the blood specimen to the laboratory, the 12 physician or any other person authorized by the laws of 13 Montana to make a medical certificate shall designate that 14 it is a premarital test."

Section 2. Section 40-1-204, MCA, is amended to read:
"40-1-204. Contents and form of medical certificate.
(1) The medical certificate shall contain a statement from
the person in charge of the laboratory making the test or
authorized to make such reports, setting forth:

- 20 (a) the name of the test;
- 21 (b) the date it was made;

(c) the name and address of the physician or other
person authorized under the laws of Montana to make the
test;

-2- INTRODUCED BILL S C / 80

25 (d) to whom the test was sent; and

LC 0481/01

1	(e) the name and address of the person whose blood was	1	performed by one of
2	tested.	2	<u>(a)</u> the labor
3	(2) In the event that an error is discovered in the	3	<u>(b)</u> a laborat
4	results of the testy such results will be expunged from the	4	(c) a laborat
5	records of the department of health and environmental	5	<u>(d) a laborat</u>
6	sciences.	6	health service or
7	(3) (a) The certificate and statement shall be on a	т	shall-be-considered
8	form to be provided and distributed by the department of	8	through-40-1-209 . [
. 9	health and environmental sciences to all county clerks of	9	(3) The star
10	the court in the state and to laboratories in this state	10	request at the labo
- 11	that_are:	11	environmental scier
12	(i) operated by the armed forces or the public health	12	<u>(4)</u> Reasonabi
13	<u>service of the United States; or</u>	13	environmental scien
14	(ii) approved by the department.	14	<u>(a)</u> reports (
15	(b) This form is hereinafter referred to in 40-1-205	15	tests and the ma
16	through 40-1-209 as "the certificate form","	16	certifying physicia
17	Section 3. Section 40-1-206; MCA, is amended to read:	17	department-of-heard
18	#40-1-206. Premarital test <u> approved laboratories</u>	18	(b) exemption
19	rules. <u>(1)</u> For the purpose of 40-1-203 through 40-1-209, a	19	premarital serolog
20	standard serological test shall be a test for rubella	20	Section 4. Se
21	immunity andcyphilisyas <u>which is</u> approved by the	21	#40-1-208• Pe
22	department of health and environmental sciences. An-approved	22	license, a physicia
23	t aboratory-shall-be	23	of Montana to ma
24	(2) The standard serological test is acceptable for	24	charge of or author
25	the purposes of 40-1-203 through 40-1-209 only if it is	25	laboratory who mi

performed by one of the following:
(a) the laboratory of the department; or
(b) a laboratory approved by that the departments: Any
(c) a laboratory operated by any other state; or
<u>[d] a laboratory operated by the</u> United States public
health service or <u>the</u> United States armed forces laboratory
shall-be-considered-opproved-for-thepurposesof40-1-203
through-10-1-209 . Such-Taboratory
(3) The standard serological test may be made on
request at the laboratory of the department of health and
environmental sciences.
(4) Reasonable The department of health and
environmental sciences shall adopt reasonable rules for:
(a) reports to be submitted by any laboratory making
tests and the manner of furnishing the reports to the
certifying physician and the state <u>; shall-be-adapted-bythe</u>
department-of-health-and-environmental-sciences and
(b) exemptions, on medical grounds, from the
premarital_serological_test."
Section 4. Section 40-1-208, MCA, is amended to read:
"40-1-208. Penalties. (1) An applicant for a marriage
license, a physician or other person authorized by the laws
of Montana to make a medical certificate or any person in
charge of or authorized to make reports or statements for a
laboratory who misrepresents his identity or any of the

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1 facts called for by the certificate form prescribed by 40-1-203 through 40-1-205, any licensing officer who issues 2 a marriage license without having received the certificate 3 forma if required, or who has reason to believe that any of 4 5 the facts on the certificate form have been misrepresented 6 and nevertheless issues a marriage licenses or any person 7 who otherwise fails to comply with the provisions of 8 40-1-203 through 40-1-209 is guilty of a misdemeanor and 9 upon conviction shall be punished by a fine of not more than 10 \$100.

(2) Medical certificates, laboratory statements or 11 12 reports, and applications referred to in 40-1-203 through 13 40-1-209 are confidential and may not be divulged to or open 14 to inspection by any person other than state or local health 15 officers or their representatives. A person who divulges 16 such information or opens to inspection such certificates, 17 statements, reports, or applications, without authority, to 18 any person not by law entitled to the same is guilty of a misdemeanor and upon conviction shall be punished by a fine 19 20 of not more than \$100."

21 <u>NEW SECTION</u> Section 5. Repeater. Section 50-19-106; 22 MCA, is repeated.

-End-

1	STATEMENT OF INTENT
2	SENATE BILL 180
3	Senate Public Health, Welfare and Safety Committee
4	
5	A statement of intent is necessary for Senate Bill 180
6	because it adds to the laws relating to premarital

7 serological tests rulemaking authority for the Department of 8 Health and Environmental Sciences to specify allowable 9 exceptions to the test requirement.

10 Present law defines a premarital serological test as 11 including both a test for rubella immunity and a test for 12 syphilis. Senate Bill 180 eliminates the syphilis test 13 requirement and requires the rubella test only of female 14 applicants for a marriage license, since the purpose of the 15 rubella test is to alert the license applicants to lack of 16 immunity to the disease which could result in damage to a fetus if rubella were contracted during pregnancy. Since the 17 test is of value only to women capable of bearing children, 18 19 there is no purpose in requiring the test of women incapable of doing so. Therefore, the rules would define those 20 21 categories of women whose medical status precludes them, 22 with reasonable medical certainty, from bearing children, 23 including, but not limited to, women over childbearing age Z4 and those whose physicians certify they are incapable of bearing children. 25

SECOND READING

SB 0180/02

Approved by Committee on Public Health, Welfare & Safety

1	SENATE BILL NO. 180
2	INTRODUCED BY MAZUREK
3	BY REQUEST OF THE DEPARTMENT OF HEALTH
4	AND ENVIRONMENTAL SCIENCES
5	

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 7 REQUIREMENTS FOR PREMARITAL SEROLOGICAL TESTS; AMENDING 8 SECTIONS 40-1-203, 40-1-204, 40-1-206, AND 40-1-208, MCA; 9 AND REPEALING SECTION 50-19-106, MCA."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 40-1-203, MCA, is amended to read: 13 "40-1-203. Proof of age and medical certificate 14 required. (1) Before a person authorized by law to issue marriage licenses may issue a marriage license, each 15 16 applicant therefor shall exhibit to him a birth certificate 17 or other satisfactory evidence of age and, if the applicant 18 is a minor, the approval required by 40-1-213, and Each 19 female_applicants_unless_exempted_on_medical_prounds_by_rule 20 of the department of health and environmental sciences. 21 shall file with him the license_issuer a medical certificate 22 from a physician, licensed to practice medicine and surgery in any state or United States territory, or any other person 23 24 authorized by laws of Montana to make a medical certificate. 25 The certificate shall state that the applicant has been given a standard serological test, performed not more than 20-dars 6_months before the date of issuance of the license, and that the report of the results of the serological test has been exhibited to the applicant <u>tested</u> and that each the <u>other</u> party to the proposed marriage contract has examined the report of the serological test of-the-other-party-to-the proposed-contract.

8 (2) A person who by law is able to obtain a marriage 9 license in this state is also able to give consent to any 10 examinations and tests required by this section. In 11 submitting the blood specimen to the laboratory, the 12 physician or any other person authorized by the laws of 13 Montana to make a medical certificate shall designate that 14 it is a premarital test."

15 Section 2. Section 40-1-204, MCA, is amended to read: 16 "40-1-204. Contents and form of medical certificate. 17 (1) The medical certificate shall contain a statement from 18 the person in charge of the laboratory making the test or 19 authorized to make such reports, setting forth: 20 (a) the name of the test;

21 (b) the date it was made;

(c) the name and address of the physician or other
person authorized under the laws of Montana to make the
test;

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25 (d) to whom the test was sent; and

SECOND READING

(e) the name and-address of the person whose blood was tested. (2) In the event that an error is discovered in the results of the test, such results will be expunded from the records of the department of health and environmental sciences. (3) (a) The certificate and statement shall be on a form to be provided and distributed by the department of health and environmental sciences to all county clerks of the court in the state and to laboratories in this state tbat_arei (il_operated_by_the_armed_forces_or_the_oublic_health service of the United States: or (iii) approved by the department. (b) This form is hereinafter referred to in 40-1-205 through 40-1-209 as "the certificate form"." Section 3. Section 40-1-206, MCA, is amended to read: "40-1-206. Premarital test <u>-- approved laboratories</u> -rules. [1] For the purpose of 40-1-203 through 40-1-209, a standard serological test shall be a test for rubella immunity and---syphilisy--as which__is approved by the department of health and environmental sciences. An-approved taboratory-shall-be (2) The standard serological test is acceptable for the purposes of 40-1-203 through 40-1-209 only if it is

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SB 180

1	performed_by_one_of_the_following:
Z	<pre>(a) the laboratory of the department; or</pre>
3	(b) a laboratory approved by that the department*; Any
4	<pre>(c)a_laboratory_operated_by_any_other_state; or</pre>
5	<pre>(d)_alaboratory_operated_by_the United States _ public</pre>
6	health service or <u>the</u> United States armed forces laboratory
7	shall-be-considered-approved-for-thepurposesof48-1-203
8	through-4 0-1-209. Such-laboratory
9	<u>[31_The_standard_serological</u> test may be made on
10	request at the laboratory of the department of health and
11	environmental sciences.
12	(4) Reasonable <u>The department of health</u> and
13	<u>environmental_sciences_shall_adopt_reasonable_rules_for:</u>
14	<u>(a)</u> reports to be submitted by any laboratory making
15	tests and the manner of furnishing the reports to the
16	certifying physician and the state <u>r</u> shall-be-adopted-bythe
17	department-of-health-and-environmental-sciences and
18	[b]exemptionsonmedicalgrounds+fromthe
19	premarital_serological_test.*
20	Section 4. Section 40-1-208, MCA, is amended to read:
21	#40-1-208. Penalties. (1) An applicant for a marriage
22	license; a physician or other person authorized by the laws
23	of Montana to make a medical certificate or any person in
24	charge of or authorized to make reports or statements for a
25	laboratory who misrepresents his identity or any of the

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SB 180

1 facts called for by the certificate form prescribed by 2 40-1-203 through 40-1-205, any licensing officer who issues 3 a marriage license without having received the certificate 4 forma__<u>if_required</u> or who has reason to believe that any of 5 the facts on the certificate form have been misrepresented and nevertheless issues a marriage license, or any person 6 7 who otherwise fails to comply with the provisions of 40-1-203 through 40-1-209 is guilty of a misdemeanor and 8 9 upon conviction shall be punished by a fine of not more than 10 \$100.

11 (2) Medical certificates, laboratory statements or reports, and applications referred to in 40-1-203 through 12 13 40-1-209 are confidential and may not be divulged to or open to inspection by any person other than state or local health 14 15 officers or their representatives. A person who divulges 16 such information or opens to inspection such certificates, 17 statements, reports, or applications, without authority, to any person not by law entitled to the same is quilty of a 18 19 misdemeanor and upon conviction shall be punished by a fine 20 of not more than \$100.*

21NEW_SECTION_ Section 5.Repealer. Section 50-19-106,22MCA, is repealed.

-End-

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STATEMENT OF INTENT

SENATE BILL 180

3 Senate Public Health, Welfare and Safety Committee

5 A statement of intent is necessary for Senate Bill 180 6 because it adds to the laws relating to premarital 7 serological tests rulemaking authority for the Department of 8 Health and Environmental Sciences to specify allowable 9 exceptions to the test requirement.

10 Present law defines a premarital serological test as 11 including both a test for rubella immunity and a test for 12 syphilis. Senate Bill 180 eliminates the syphilis test requirement and requires the rubella test only of female 13 14 applicants for a marriage license, since the purpose of the 15 rubella test is to alert the license applicants to lack of immunity to the disease which could result in damage to a 16 fetus if rubella were contracted during pregnancy. Since the 17 18 test is of value only to women capable of bearing children, there is no purpose in requiring the test of women incapable 19 of doing so. Therefore, the rules would define those Z0 categories of women whose medical status precludes them, 21 with reasonable medical certainty, from bearing children, 22 23 including, but not limited to, women over childbearing age Z4 and those whose physicians certify they are incapable of bearing children. 25

58 0180/02

1 SENATE BILL NO. 180 2 INTRODUCED BY MAZUREK 3 BY REQUEST OF THE DEPARTMENT OF HEALTH 4 AND ENVIRONMENTAL SCIENCES 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 6 7 REQUIREMENTS FOR PREMARITAL SEROLDGICAL TESTS; AMENDING 8 SECTIONS 40-1-203, 40-1-204, 40-1-206, AND 40-1-208, MCA: 9 AND REPEALING SECTION 50-19-106, MCA.* 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 40-1-203, MCA, is amended to read: 13 "40-1-203. Proof of age and medical certificate 14 required. (1) Before a person authorized by law to issue 15 marriage licenses may issue a marriage license, each 16 applicant therefor shall exhibit to him a birth certificate 17 or other satisfactory evidence of age and, if the applicant is a minor, the approval required by 40-1-213, and Each 18 19 femals_applicants_unless_exempted_on_medical_grounds_by_rule 20 of the department of health and environmental sciences. 21 shall file with him the license_issuer a medical certificate 22 from a physician, licensed to practice medicine and surgery 23 in any state or United States territory, or any other person 24 authorized by laws of Montana to make a medical certificate. 25 The certificate shall state that the applicant has been

I given a standard serological test, performed not more than 2 20-days 6_months before the date of issuance of the license, 3 and that the report of the results of the serological test 4 has been exhibited to the applicant <u>tested</u> and that <u>each the</u> 5 other party to the proposed marriage contract has examined 6 the report of the serological test of-the-other-party-to-the 7 proposed-contract.

8 (2) A person who by law is able to obtain a marriage 9 license in this state is also able to give consent to any 10 examinations and tests required by this section. In 11 submitting the blood specimen to the laboratory, the 12 physician or any other person authorized by the laws of 13 Montana to make a medical certificate shall designate that 14 it is a premarital test."

Section 2. Section 40-1-204, MCA, is amended to read:
#40-1-204. Contents and form of medical certificate.
(1) The medical certificate shall contain a statement from
the person in charge of the laboratory making the test or
authorized to make such reports, setting forth:

- 20 (a) the name of the test;
- 21 (b) the date it was made;

(c) the name and address of the physician or other
 person authorized under the laws of Montana to make the
 test;

25 (d) to whom the test was sent; and

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	· · · · · · · · · · · · · · · · · · ·		
1	(e) the name and-address of the person whose blood was	1	perforsed_by_one_of_the_following:
2	tested.	2	[a] the laboratory of the department: er
3	(2) In the event that an error is discovered in the	3	(b) a laboratory approved by that the departments; Any
4	results of the test, such results will be expunged from the	4	[cla laboratory operated by any other state; or
5	records of the department of health and environmental	5	<u>[dl_a laboratory operated by the</u> United States public
6	sciences.	6	health service or the United States armed forces laboratory
7	(3) (a) The certificate and statement shall be on a	7	shaff-be-considered-approved-for-thepurposesof40-1-283
8	form to be provided and distributed by the department of	8	through-4 0-1-20 9. Such-taboratory
-9	health and environmental sciences to all county clerks of	9	131 <u>Thestandardserological</u> test may be made on
10	the court in the state and to laboratories in this state	10	request at the laboratory of the department of health and
11	that_are:	11	environmental sciences.
12	[i]operated_by_the_armed_forces_or_the_publicpealth	12	(1) Reconcole Incdepartmentofbealtband
13	service_of_the_United_Statesi_or	13	<u>envirgomental_sciences_shall_adopt_reasonabl</u> e_rules_for <u>:</u>
14	[ii] approved by the department.	14	(a) reports to be submitted by any laboratory making
15	101 This form is hereinafter referred to in 40-1-205	15	tests and the manner of furnishing the reports to the
16	through 40-1-209 as "the certificate form"."	16	certifying physician and the state; shall-be-adopted-bythe
17	Section 3. Section 40-1-206, MCA, is amended to read:	17	department-of-health-and-environmental-sciences and
18	"40-1-206. Premarital test <u>== approved_laboratories</u>	18	<pre>(blexemptions:onmedicalgrounds:fromthe</pre>
19	rules. [1] for the purpose of 40-1-203 through 40-1-209, a	19	premarital_serological_test."
20	standard serological test shall be a test for rubella	20	Section 4. Section 40-1-208, MCA, is amended to read:
21	immunity andsyphifisyas whichis approved by the	21	#40-1-208. Penalties. (1) An applicant for a marriage
22	department of health and environmental sciences. An-opproved	22	license, a physician or other person authorized by the laws
23	taboratory-shatt-be	23	of Nontana to make a medical certificate or any person in
24	[21Ibe_standard_serological_testisacceptablefor	24	charge of or authorized to make reports or statements for a
25	the_purposes_of_40+1-203_through_40+1-209_only_if_it_is	25	laboratory who misrepresents his identity or any of the
	-3- SB 180		-4- SB 180

SB 0180/02

1 facts called for by the certificate form prescribed by 2 40-1-203 through 40+1+205, any licensing officer who issues 3 a marriage license without having received the certificate 4 forma__<u>if_required</u>, or who has reason to believe that any of 5 the facts on the certificate form have been misrepresented 6 and nevertheless issues a marriage license, or any person 7 who otherwise fails to comply with the provisions of 8 40-1-203 through 40-1-209 is guilty of a misdemeanor and 9 upon conviction shall be punished by a fine of not more than 10 \$100.

11 (2) Medical certificates, laboratory statements or reports, and applications referred to in 40-1-203 through 12 13 40-1-209 are confidential and may not be divulged to or open 14 to inspection by any person other than state or local health 15 officers or their representatives. A person who divulges 16 such information or opens to inspection such certificates, 17 statements, reports, or applications, without authority, to 18 any person not by law entitled to the same is guilty of a misdemeanor and upon conviction shall be punished by a fine 19 20 of not more than \$100."

21 <u>NEW_SECTION</u> Section 5. Repealer. Section 50-19-106,
 22 MCA, is repealed.

-End-

HOUSE OF REPRESENTATIVES

March 7 19.83

WE, YOUR COMMITTEE ON HUMAN SERVICES, HAVING HAD UNDER CONSIDERATION SENATE BILL 180, THIRD READING COPY (BLUE), ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT SENATE BILL NO. 180

A statement of intent is necessary for Senate Bill 180 because it adds to the laws relating to premarital serological tests rulemaking authority for the Department of Health and Environmental Sciences to specify allowable exceptions to the test requirement.

Present law defines a premarital serological test as including both a test for rubella immunity and a test for syphilis. Senate Bill 180 eliminates the syphilis test requirement and requires the rubella test only of female applicants for a marriage license, since the purpose of the rubella test is to alert the license applicants to lack of immunity to the disease which could result in damage to a fetus if rubella were contracted during pregnancy. Since the test is of value only to women capable of bearing children, there is no purpose in requiring the test of women incapable of doing so. Therefore, the rules would define those categories of women whose medical status precludes them, with reasonable medical certainty, from bearing children, including, but not limited to, women over childbearing age and those whose physicians certify they are incapable of bearing children.

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SB 180

l	STATEMENT OF INTENT
2	SENATE BILL 180
3	Senate Public Health, Welfare and Safety Committee
4	
5	A statement of intent is necessary for Senate Bill 180
6	because it adds to the laws relating to premarital
7	serological tests rulemaking authority for the Department of
8	Health and Environmental Sciences to specify allowable
9	exceptions to the test requirement.
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11	including both a test for rubella immunity and a test for
12	syphilis. Senate Bill 180 eliminates the syphilis test

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T	SEMALE DALE NOT ADD
2	INTRODUCED BY MAZUREK
3	BY REQUEST OF THE DEPARTMENT OF HEALTH
4	AND ENVIRONMENTAL SCIENCES
5	
6	A BIL. FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE

CENATE BTIL NO. 180

7 REQUIREMENTS FOR PREMARITAL SEROLOGICAL TESTS; AMENDING
 8 SECTIONS 40-1-203, 40-1-204, 40-1-206, AND 40-1-208, MCA;
 9 AND REPEALING SECTION 50-19-106, MCA.*

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 40-1-203, MCA, is amended to read: 12 13 "40-1-203. Proof of age and medical certificate 14 required. (1) Before a person authorized by law to issue 15 marriage licenses may issue a marriage license, each 16 applicant therefor shall exhibit to him a birth certificate 17 or other satisfactory evidence of age and, if the applicant is a minor, the approval required by 40-1-213, and Each 18 19 female_applicants_upless_exempted_on_medical_grounds_by_rule 20 of__the__department__of__bealtb__and_epvironmental_sciences. 21 shall file with him the license issuer a medical certificate 22 from a physician, licensed to practice medicine and surgery 23 in any state or United States territory, or any other person 24 authorized by laws of Montana to make a medical certificate. 25 The certificate shall state that the applicant has been 1 given a standard serological test, performed not more than 2 20-days 6 months before the date of issuance of the license, 3 and that the report of the results of the serological test has been exhibited to the applicant tested and that each the 4 5 other party to the proposed marriage contract has examined the report of the serological test af-the-other-party-to-the 6 7 proposed-contract. 8 (2) A person who by law is able to obtain a marriage license in this state is also able to give consent to any 9

9 license in this state is also able to give consent to any 10 examinations and tests required by this section. In 11 submitting the blood specimen to the laboratory, the 12 physician or any other person authorized by the laws of 13 Montana to make a medical certificate shall designate that 14 it is a premarital test.^m

15 Section 2. Section 40-1-204, MCA, is amended to read:
16 "40-1-204. Contents and form of medical certificate.
17 (1) The medical certificate shall contain a statement from
18 the person in charge of the laboratory making the test or
19 authorized to make such reports, setting forth:

- 20 (a) the name of the test;
- 21 (b) the date it was made;

(c) the name and address of the physician or other
person authorized under the laws of Montana to make the
test;

25 (d) to whom the test was sent; and

SB 180 REFERENCE BILL

SE 0180/02

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1	(e) the name and-address of the person whose blood was	1	performed
2	tested.	2	(a)
3	(2) In the event that an error is discovered in the	3	101
4	results of the test, such results will be expunged from the	4	127-
5	records of the department of health and environmental	5	(4)-
6	sciences.	6	health s
7	(3) <u>(a)</u> The certificate and statement shall be on a	7	-so-ffo de
8	form to be provided and distributed by the department of	8	through-4
9	health and environmental sciences to all county clerks of	9	(3)_
10	the court in the state and to laboratorles in this state	10	request a
11	that_are:	11	environme
12	(il_operated_by_the_armed_forces_or_the_publicbealth	12	141
13	service_of_the_Voited_Statesi_or	13	environme
14	(ii) approved by the department.	14	taj
15	<u>[b]</u> This form is hereinafter referred to in 40-1-205	15	tests an
16	through 40-1-209 as "the certificate form"."	16	certifyin
17	Section 3. Section 40-1-206, MCA, is amended to read:	17	departmen
18	#40-1-206. Premarital test <u>=_approved_laboratories</u>	18	tpj-
19	rules. <u>[1]</u> For the purpose of 40-1-203 through 40-1-209, a	19	oremarita
20	standard serological test shall be a test for rubella	20	Sect
21	immunity andsyphilisyas <u>which is</u> approved by the	21	₩40-
22	department of health and environmental sciences. An-approved	22	licanse,
23	laboratory-shall-be	23	of Monta
24	<pre>[2]Ibe_standard_serological_testisacceptablefor</pre>	24	charge of
25	tbeourposesof40=1=203through40=1=209_only_if_it_is	25	laborator
	-3- SB 180		

-**x.**-...

laboratory who misrepresents his identity or any of the

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facts called for by the certificate form prescribed by 1 40-1-203 through 40-1-205, any licensing officer who issues 2 a marriage license without having received the certificate 3 forms_<u>if requireds</u> or who has reason to believe that any of 4 5 the facts on the certificate form have been misrepresented and nevertheless issues a marriage license, or any person 6 7 who otherwise fails to comply with the provisions of 40-1-203 through 40-1-209 is guilty of a misdemeanor and 8 upon conviction shall be punished by a fine of not more than 9 10 \$100.

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(2) Medical certificates, laboratory statements or 11 reports, and applications referred to in 40-1-203 through 12 13 40-1-209 are confidential and may not be divulged to or open 14 to inspection by any person other than state or local health 15 officers or their representatives. A person who divulges 16 such information or opens to inspection such certificates, 17 statements, reports, or applications, without authority, to 18 any person not by law entitled to the same is guilty of a 19 misdemeanor and upon conviction shall be punished by a fine 20 of not more than \$100."

21 <u>NEW_SECTION</u> Section 5. Repealer. Section 50-19-106,
 22 MCA, is repealed.

-End-