

SENATE BILL NO. 181

INTRODUCED BY MAZUREK

BY REQUEST OF THE DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL SCIENCES

IN THE SENATE

JANUARY 18, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.  FIRST READING.
JANUARY 31, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 1, 1989	PRINTING REPORT.
FEBRUARY 2, 1989	SECOND READING, DO PASS.
FEBRUARY 3, 1989	ENGROSSING REPORT.
FEBRUARY 4, 1989	THIRD READING, PASSED. AYES, 47; NOES, 0.  TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 4, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 20, 1989	FIRST READING.
MARCH 7, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 8, 1989	SECOND READING, CONCURRED IN.
MARCH 9, 1989	THIRD READING, CONCURRED IN. AYES, 91; NOES, 1.  RETURNED TO SENATE.

IN THE SENATE

MARCH 10, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Amended BILL NO. 181  
2 INTRODUCED BY Thayum  
3 BY REQUEST OF THE DEPARTMENT OF  
4 HEALTH AND ENVIRONMENTAL SCIENCES  
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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO SIMPLIFY THE  
7 PREMARITAL SEROLOGY TEST REQUIREMENTS BY CHANGING THE  
8 CONTENT AND SIGNATURE OF THE MEDICAL CERTIFICATE AND  
9 DISTRIBUTION OF CERTIFICATE FORMS AND BY ELIMINATING THE  
10 REQUIREMENT THAT THE TEST BE PERFORMED NO MORE THAN 6 MONTHS  
11 BEFORE THE ISSUANCE OF A MARRIAGE LICENSE; AND AMENDING  
12 SECTIONS 40-1-203 THROUGH 40-1-205 AND 40-1-208, MCA."  
13

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

15 **Section 1.** Section 40-1-203, MCA, is amended to read:

16 "40-1-203. Proof of age and medical certificate  
17 required. (1) Before a person authorized by law to issue  
18 marriage licenses may issue a marriage license, each  
19 applicant therefor shall exhibit to him a birth certificate  
20 or other satisfactory evidence of age and, if the applicant  
21 is a minor, the approval required by 40-1-213. Each female  
22 applicant, unless exempted on medical grounds by rule of the  
23 department of health and environmental sciences, shall file  
24 with the license issuer a medical certificate from a  
25 physician, licensed to practice medicine and surgery in any

1 state or United States territory, or any other person  
2 authorized by ~~laws of Montana~~ rule of the department to make  
3 a medical certificate. The certificate shall state that the  
4 applicant has been given a standard serological test,  
5 ~~performed not more than 6 months before the date of issuance~~  
6 ~~of the license~~, and that the report of the results of the  
7 serological test has been exhibited to the applicant tested  
8 and that the other party to the proposed marriage contract  
9 has examined the report of the serological test.

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

17 **Section 2.** Section 40-1-204, MCA, is amended to read:

18 "40-1-204. Contents and form of medical certificate.

19 (1) The medical certificate shall contain a statement from  
20 ~~the person in charge of the laboratory making the test~~ a  
21 physician or other person authorized by rule of the  
22 department of health and environmental sciences to make such  
23 reports, setting forth:

- 24 (a) the name of the test;  
25 (b) ~~the date it was made~~

~~(e)(b)~~ the name and address of the physician or other person authorized ~~under the laws of Montana to make the test by rule of the department to sign the certificate;~~

~~(d)(c)~~ to ~~whom~~ the name and address of the laboratory performing the test was sent; and

~~(e)(d)~~ the name 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 expunged 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, upon request, by the department of health and environmental sciences ~~to all county clerks of the court in the state and to laboratories in this state that are~~

~~(i) operated by the armed forces or the public health service of the United States; or~~

~~(ii) 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 40-1-205, MCA, is amended to read:

"40-1-205. Certificates from other states or for military personnel -- when acceptable. Certificate forms provided by other states having comparable laws will be accepted for persons who have received a standard

serological test outside of Montana ~~if such tests are performed not more than 6 months before the issuance of a marriage license.~~ Certificates provided by the United States armed forces will be accepted for military personnel if such certificates are signed by a medical officer commissioned in the United States armed forces or United States public health service and the certificates state the examinations are standard serological tests ~~and were performed not more than 6 months before the issuance of the marriage license.~~"

**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~~ rule of the department of health and environmental sciences 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 facts called for by the certificate form prescribed by 40-1-203 through 40-1-205, any licensing officer who issues a marriage license without having received the certificate form, if required, or who has reason to believe that any of the facts on the certificate form have been misrepresented and nevertheless issues a marriage license, or any person who otherwise fails to comply with the provisions of 40-1-203 through 40-1-209 is guilty of a misdemeanor and upon conviction shall be

1 punished by a fine of not more than \$100.

2 (2) Medical certificates, laboratory statements or  
3 reports, and applications referred to in 40-1-203 through  
4 40-1-209 are confidential and may not be divulged to or open  
5 to inspection by any person other than state or local health  
6 officers or their representatives. A person who divulges  
7 such information or opens to inspection such certificates,  
8 statements, reports, or applications, without authority, to  
9 any person not by law entitled to the same is guilty of a  
10 misdemeanor and upon conviction shall be punished by a fine  
11 of not more than \$100."

12 NEW SECTION. **Section 5.** Extension of authority. Any  
13 existing authority to make rules on the subject of the  
14 provisions of [this act] is extended to the provisions of  
15 [this act].

-End-

APPROVED BY COMMITTEE  
ON PUBLIC HEALTH, WELFARE  
& SAFETY

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7 PREMARITAL SEROLOGY TEST REQUIREMENTS BY CHANGING THE  
8 CONTENT AND SIGNATURE OF THE MEDICAL CERTIFICATE AND  
9 DISTRIBUTION OF CERTIFICATE FORMS AND BY ELIMINATING THE  
10 REQUIREMENT THAT THE TEST BE PERFORMED NO MORE THAN 6 MONTHS  
11 BEFORE THE ISSUANCE OF A MARRIAGE LICENSE; AND AMENDING  
12 SECTIONS 40-1-203 THROUGH 40-1-205 AND 40-1-208, MCA."  
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15 **Section 1.** Section 40-1-203, MCA, is amended to read:

16 "40-1-203. Proof of age and medical certificate  
17 required. (1) Before a person authorized by law to issue  
18 marriage licenses may issue a marriage license, each  
19 applicant therefor shall exhibit to him a birth certificate  
20 or other satisfactory evidence of age and, if the applicant  
21 is a minor, the approval required by 40-1-213. Each female  
22 applicant, unless exempted on medical grounds by rule of the  
23 department of health and environmental sciences, shall file  
24 with the license issuer a medical certificate from a  
25 physician, licensed to practice medicine and surgery in any

1 state or United States territory, or any other person  
2 authorized by ~~laws of Montana~~ rule of the department to make  
3 a medical certificate. The certificate shall state that the  
4 applicant has been given a standard serological test,  
5 ~~performed not more than 6 months before the date of issuance~~  
6 ~~of the license,~~ and that the report of the results of the  
7 serological test has been exhibited to the applicant tested  
8 and that the other party to the proposed marriage contract  
9 has examined the report of the serological test.

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

17 **Section 2.** Section 40-1-204, MCA, is amended to read:

18 "40-1-204. Contents and form of medical certificate.

19 (1) The medical certificate shall contain a statement from  
20 ~~the person in charge of the laboratory making the test~~ a  
21 physician or other person authorized by rule of the  
22 department of health and environmental sciences to make such  
23 reports, setting forth:

24 (a) the name of the test;

25 (b) ~~the date it was made;~~

1        ~~(c)(b)~~ the name and address of the physician or other  
2        person ~~authorized under the laws of Montana to make the test~~  
3        by rule of the department to sign the certificate;

4        ~~(d)(c)~~ to--whom the name and address of the laboratory  
5        performing the test was sent; and

6        ~~(e)(d)~~ the name of the person whose blood was tested.

7        (2) In the event that an error is discovered in the  
8        results of the test, such results will be expunged from the  
9        records of the department of health and environmental  
10       sciences.

11       (3) (a) The certificate and statement shall be on a  
12       form to be provided and distributed, upon request, by the  
13       department of health and environmental sciences ~~to--all~~  
14       ~~county--clerks-of-the-court-in-the-state-and-to-laboratories~~  
15       ~~in-this-state-that-are:~~

16       ~~(i)--operated-by-the-armed-forces-or-the-public--health~~  
17       ~~service-of-the-United-States;-or~~

18       ~~(ii)-approved-by-the-department.~~

19       (b) This form is hereinafter referred to in 40-1-205  
20       through 40-1-209 as "the "certificate form".

21       **Section 3.** Section 40-1-205, MCA, is amended to read:

22       "40-1-205. Certificates from other states or for  
23       military personnel -- when acceptable. Certificate forms  
24       provided by other states having comparable laws will be  
25       accepted for persons who have received a standard

1       serological test outside of Montana ~~if--such--tests--are~~  
2       ~~performed-not-more-than-6-months-before-the--issuance--of--a~~  
3       ~~marriage-license.~~ Certificates provided by the United States  
4       armed forces will be accepted for military personnel if such  
5       certificates are signed by a medical officer commissioned in  
6       the United States armed forces or United States public  
7       health service and the certificates state the examinations  
8       are standard serological tests ~~and-were-performed-not-more~~  
9       ~~than-6-months-before-the-issuance-of-the-marriage--license."~~

10       **Section 4.** Section 40-1-208, MCA, is amended to read:

11       "40-1-208. Penalties. (1) An applicant for a marriage  
12       license, a physician or other person authorized by ~~the-laws~~  
13       ~~of--Montana~~ rule of the department of health and  
14       environmental sciences to make a medical certificate, or any  
15       person in charge of or authorized to make reports or  
16       statements for a laboratory who misrepresents his identity  
17       or any of the facts called for by the certificate form  
18       prescribed by 40-1-203 through 40-1-205, any licensing  
19       officer who issues a marriage license without having  
20       received the certificate form, if required, or who has  
21       reason to believe that any of the facts on the certificate  
22       form have been misrepresented and nevertheless issues a  
23       marriage license, or any person who otherwise fails to  
24       comply with the provisions of 40-1-203 through 40-1-209 is  
25       guilty of a misdemeanor and upon conviction shall be

1 punished by a fine of not more than \$100.

2 (2) Medical certificates, laboratory statements or  
3 reports, and applications referred to in 40-1-203 through  
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**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  
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