

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Representative McCoy

HOUSE BILL 1615

"THE PRE-MARITAL EXAMINATION ACT OF 1987."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. This Act shall be known and may be cited as the Pre-marital Examination Act of 1987.

SECTION 2. Before any person who is authorized to issue marriage licenses shall issue any such license he shall require each applicant therefor to file with him a certificate from a licensed physician stating that the applicant has undergone such physical examination to be prescribed by the State Board of Health as may be necessary for the discovery of acquired immune deficiency syndrome (AIDS) antibodies made not more than 30 days prior to the date of issuance of the marriage license and a statement from the person in charge of the laboratory making the tests, or from some other person authorized to make such reports, setting forth the name of the tests, the date made, and the name and address of the person whose blood was tested.

SECTION 3. Except as hereinafter provided, the certificate of the physician and the statement from a person in charge of a laboratory or from a person authorized to make reports for the laboratory shall be on a combined form to be provided and distributed by the Arkansas State Board of Health to laboratories in the State approved by the Arkansas State Board of Health. This form is hereinafter called "The Medical Certificate".

SECTION 4. The Arkansas State Board of Health shall issue a "Laboratory Pre-marital Examination Report" form to be distributed upon application to all laboratories approved to perform tests provided for in this Act. Any laboratory making such tests shall prepare this report in triplicate. The original

of this report shall be transmitted by the laboratory making such tests together with the Medical Certificate to the certifying physician. The duplicate reports shall be forwarded at weekly intervals to the Arkansas State Board of Health. The triplicate shall be retained in the files of the laboratory for five (5) years and shall be subject to inspection during that time by any authorized representative of the Arkansas State Board of Health.

SECTION 5. If the test required herein shows the presence of acquired immune deficiency syndrome (AIDS) antibodies in the blood of either applicant for a marriage license, the license shall not be issued unless and until the applicants furnish to the person authorized to issue marriage licenses an affidavit from a licensed physician stating that the physician has counseled the parties concerning acquired immune deficiency syndrome (AIDS).

SECTION 6. The judge of the chancery court of the county in which the license is to be issued is empowered, on joint application of the parties applying for a marriage license, to waive the requirements of medical examinations, laboratory tests, and medical certificates and to order the licensing authority to issue the license applied for, if all other requirements of the marriage laws have been complied with and if the judge is satisfied by affidavit or other proof that an emergency of an extraordinary nature exists and that the public health and welfare will not be injuriously affected thereby. Circumstances constituting such an emergency include pregnancy or critical illness where a licensed physician certified that one of the contracting parties may be about to die. In every court-ordered case, however, the clerk of the court shall transmit to the Arkansas State Board of Health a transcript of the record and the order thereon for such follow-up in that department as is required by law or deemed necessary by the Arkansas State Board of Health for the protection of the public health. The order of the court shall be filed by the licensing authority in lieu of the Medical Certificate. When it is deemed necessary, the court may to the extent authorized by law or rules of court, order all proceedings instituted under the provisions of this Act to be private and confidential. There shall be no fee, court costs, or tax for these court proceedings. The Medical Certificate or the court order shall be filed in the office of the county clerk.

SECTION 7. Medical Certificates, laboratory statements or reports, applications and court orders required by this Act to be filed with the county clerk, shall be retained on file for a period of at least one (1) year and the information therein contained shall be kept confidential and shall not be divulged or open to inspection by any person other than state or local health officers or their representatives, prosecuting attorneys, or other persons upon order of a court of competent jurisdiction.

SECTION 8. Any applicant for a marriage license, physician, or representative of a laboratory who misrepresents his identity or any of the facts called for by the certificate form or the affidavit prescribed by this Act; or any licensing authority who issues a marriage license without the Medical Certificate or affidavit or an order from the court, or who has reason to believe that any of the facts on the Medical Certificate have been misrepresented, and who, nevertheless, issues a marriage license; or any laboratory which fails to file the monthly reports with the Health Department as required herein, or any person who otherwise fails to comply with the provisions of this Act, shall upon conviction be fined not more than two hundred and fifty dollars (\$250.00) or imprisoned not more than one (1) year, or both.

SECTION 9. The State Board of Health is authorized to adopt appropriate rules and regulations to carry out the intent and purposes of this Act.

SECTION 10. All laws and parts of laws in conflict with this Act are hereby repealed.

