

SHORT TITLE: Marriage and family; requiring certain premarital test
for antibodies to the human t-lymphotropic virus type III;
codification; effective date.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 3

By: Long (Lewis)

AS INTRODUCED

An Act relating to marriage and family; requiring certain tests for antibodies to the human T-lymphotropic virus type III; providing for certain certificates and affidavits; requiring confidentiality; providing for testing; authorizing fee for testing; requiring certain information be given; allowing judicial waiver of certain requirement; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 31.1 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. Any person seeking to obtain a marriage license shall, at the time of filing the application therefor, file with the court clerk a certificate or affidavit from a duly licensed physician stating that each party to the marriage contract has been given a test to detect the presence of antibodies to the human T-lymphotropic virus type III made not more than thirty (30) days prior to the date of such application to obtain a marriage license.

B. The test required by subsection A of this section shall be prescribed by the State Department of Health and shall be performed by the State Department of Health or at a laboratory approved by the

Department. The Department may charge a fee for such test which shall equal the actual cost, but shall not exceed Five Dollars (\$5.00).

C. The results of the test required by this section shall be provided to the physician who submitted the test. If the result of the test is positive or inconclusive, the physician shall provide information to the party having such a result describing the disease, its treatment and prevention, places where care and treatment can be obtained, and stating the legal and ethical prohibitions for knowingly spreading the disease. This information shall be on a form provided by the State Department of Health for this purpose and shall be free of charge.

D. Any judge of the district court within the county in which the license is to be issued is hereby authorized and empowered, on joint application by both applicants for a marriage license, to waive the requirements as to medical examinations and laboratory tests, and to order the licensing officer to issue the license, 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 or other sufficient cause for such action exists and that the public health and welfare will not be injuriously affected thereby. The order shall take the place of the certificate required by subsection A of this section.

SECTION 2. This act shall become effective September 1, 1993.

44-1-0057

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