

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

***** 333.5119.amended THIS AMENDED SECTION IS EFFECTIVE JULY 4, 2016 *****

333.5119.amended Individual applying for marriage license; availability of tests for sexually transmitted infection and HIV infection; educational materials; informing HIV infected applicants of test results; definitions.

Sec. 5119. (1) An individual applying for a marriage license shall be advised through the distribution of written educational materials by the county clerk regarding prenatal care and the transmission and prevention of sexually transmitted infection and HIV infection. The written educational materials shall describe the availability to the applicant of tests for both sexually transmitted infection and HIV infection. The information shall include a list of locations where HIV counseling and testing services funded by the department are available. The written educational materials shall be approved or prepared by the department.

(2) A county clerk shall not issue a marriage license to an applicant who fails to sign and file with the county clerk an application for a marriage license that includes a statement with a check-off box indicating that the applicant has received the educational materials regarding the transmission and prevention of both sexually transmitted infection and HIV infection and has been advised of testing for both sexually transmitted infection and HIV infection, pursuant to subsection (1).

(3) If either applicant for a marriage license undergoes a test for HIV or an antibody to HIV, and if the test results indicate that an applicant is HIV infected, the physician or a designee of the physician, the physician's assistant, the certified nurse midwife, the certified nurse practitioner, or the local health officer or a designee of the local health officer administering the test immediately shall inform both applicants of the test results and shall counsel both applicants regarding the modes of HIV transmission, the potential for HIV transmission to a fetus, and protective measures.

(4) As used in this section:

(a) "Certified nurse midwife" means an individual licensed as a registered professional nurse under part 172 who has been issued a specialty certification in the practice of nurse midwifery by the board of nursing under section 17210.

(b) "Certified nurse practitioner" means an individual licensed as a registered professional nurse under part 172 who has been issued a specialty certification as a nurse practitioner by the board of nursing under section 17210.

(c) "Physician" means an individual licensed as a physician under part 170 or an osteopathic physician under part 175.

(d) "Physician's assistant" means an individual licensed as a physician's assistant under part 170 or part 175.

History: Add. 1988, Act 491, Eff. Mar. 30, 1989;—Am. 1990, Act 46, Imd. Eff. Mar. 30, 1990;—Am. 1994, Act 75, Imd. Eff. Apr. 11, 1994;—Am. 2000, Act 209, Eff. Jan. 1, 2001;—Am. 2016, Act 66, Eff. July 4, 2016.

Popular name: Act 368