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ELIMINATE PRE-MARITAL AIDS AWARENESS COUNSELING REQUIREMENT

**House Bill 5029 as enrolled
Public Act 209 of 2000
Second Analysis (6-28-00)**

**Sponsor: Rep. Robert Gosselin
House Committee: Family and Civil Law
Senate Committee: Health Policy**

THE APPARENT PROBLEM:

Currently, under the Public Health Code, couples who apply for a marriage license are required to receive counseling on, and be offered testing for, venereal diseases and HIV (human immunodeficiency virus) infection. The required counseling must be performed by a physician, physician's assistant, certified nurse midwife, certified nurse practitioner or local health officer. In order to receive a marriage license, couples must present to the county clerk a signed health certificate (or a written religious objection to the counseling) attesting to the fact that they received the required counseling and offer for testing.

Generally, this means that people who are preparing for marriage must sit through an approved class lasting about an hour. It has been suggested that the required counseling accomplishes no more than would be accomplished by the provision of written educational materials and is therefore an unnecessary waste of time for most couples.

THE CONTENT OF THE BILL:

House Bill 5029 would amend to the Public Health Code to eliminate the pre-marital AIDS awareness counseling requirements, and require, instead, that applicants be advised through the distribution of written educational materials by the county clerk. Anyone who applied for a marriage license would be required to receive educational materials regarding prenatal care, and the transmission and prevention of venereal disease and HIV infection.

The educational materials provided to applicants would have to be approved or prepared by the Department of Community Health. In order to receive a marriage license an applicant would have to sign and file an application with the county clerk that includes a statement with a check-off box indicating that the applicant received the HIV and VD educational

materials and has been advised about testing for such diseases.

The bill would also delete language allowing a couple to avoid the required counseling by filing a written religious objection, and language allowing the county clerk to charge a fee to cover the administrative costs for such objections.

The bill would take effect January 1, 2000.

MCL 333.5119

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no fiscal impact. (4-10-00)

ARGUMENTS:

For:

The counseling requirements were established in 1988 as part of an omnibus amendment to the Public Health Code regarding AIDS and HIV. As the population as a whole has become better informed about AIDS and HIV, the limited informative value that the counseling had when enacted has largely disappeared. Although two other states used to require HIV tests prior to marriage, no other states require the type of counseling currently required in Michigan. (However, 15 other states require that couples receive informative materials on HIV and other sexually transmitted diseases.)

Even if most people of legal age to marry were not already largely aware of the risks and means of contracting sexually transmitted diseases, the emphasis of the current program often seems to aim at how to avoid contracting such diseases if one is sexually promiscuous, rather than emphasizing the need for

honest communication regarding sexual histories and testing, if necessary. This seeming presumption of both past and future promiscuity is offensive to many who are about to marry.

Furthermore, the counseling is time consuming and can be inconvenient for couples who are trying to juggle work schedules and plan and arrange a wedding ceremony. In addition, although the counseling is not very costly, around \$20, small costs like this often add up, particularly for couples who are trying to save in order to cover wedding and/or honeymoon costs.

Against:

Even if many, or even most, people who are about to be married are fully aware of everything that these counseling sessions teach, it is important to remember that the information could prove life-saving for those people who lack this knowledge. Furthermore, one of the reasons for providing such counseling is that any teaching about sexually transmitted diseases, particularly AIDS, creates a ripple effect (as does most teaching) where the people who are taught pass that learning on to others. Thus, such knowledge imparted in these counseling sessions has value beyond its immediate effect, particularly in the case of a disease like AIDS, which has been subject of much misinformation.

And, although some of the information providing in the counseling sessions is not really appropriately targeted to couples about to marry, it should be noted that the bill will require couples to receive essentially the same information through written materials. Furthermore, in cases where the information is not redundant, counseling sessions are a far more effective teaching method than the distribution of written information.

Response:

No one would dispute that increasing people's knowledge of how to avoid sexually transmitted diseases is a good idea. The problem with the pre-marital counseling requirement is that it targets one of the populations that is least likely to benefit from the information at a time when, given their situation and the incumbent distractions, they are least likely to pay any attention to it. There are many other populations that would be far better served by such a program than people who are about to be married.

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.