

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5029 (Substitute H-2 as passed by the House)
Sponsor: Representative Robert Gosselin
House Committee: Family and Civil Law
Senate Committee: Health Policy

Date Completed: 5-8-00

CONTENT

The bill would amend the Public Health Code to eliminate a requirement that applicants for a marriage license receive counseling for venereal disease and HIV (human immunodeficiency virus) infection, and would require instead that an applicant be advised of the transmission and prevention of venereal disease and HIV infection through the distribution of written educational materials by the county clerk.

Under the Code, when an application for a marriage license is filed, the county clerk must distribute educational materials prepared by the Department of Community Health (DCH) on topics related to venereal disease, HIV transmission, and prenatal care. In addition, an individual applying for a marriage license must be counseled by a physician or a designee of the physician, a physician's assistant, a certified nurse midwife, a certified nurse practitioner, or a local health officer or a designee of a local health officer regarding the transmission and prevention of venereal disease and HIV infection. The individual who counsels the applicant must offer or refer the applicant for tests for venereal disease and HIV. The bill would eliminate the requirements that an applicant be counseled and offered or referred for tests. The bill would require, instead, that an applicant be advised of the transmission and prevention of venereal disease and HIV infection through the distribution of written educational materials by the county clerk. The bill also would require that the written educational materials describe the availability of tests for venereal disease and HIV. The materials would have to be approved or prepared by the DCH.

Currently, unless an applicant files a written objection, as provided in the Code, a county clerk may not issue a marriage license to an applicant who fails to file a certificate with the clerk indicating that the applicant has received the required counseling and has been offered or referred for testing. The bill instead would prohibit a county clerk from issuing a marriage license to an applicant who failed to sign and file an application that included a statement with a check-off box indicating that the applicant had received the required educational materials and had been advised of testing.

Currently, an applicant or prospective applicant for a marriage license may file a written objection with the county clerk stating that the counseling requirements violate the personal religious beliefs of the applicant. The counseling requirements do not apply to the applicant. Further, the county clerk may charge a fee for the administrative costs associated with filing a written objection. The bill would delete these provisions.

MCL 333.5119

Legislative Analyst: G. Towne

FISCAL IMPACT

As the educational materials are already provided by DCH, there should be no additional costs.

Fiscal Analyst: J. Walker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.