

SUBSTITUTE FOR
HOUSE BILL NO. 5029

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 5119 (MCL 333.5119), as amended by 1994 PA
75.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5119. (1) ~~Except as otherwise provided in~~
2 subsection (4), ~~an~~ AN individual applying for a marriage license
3 shall be ~~counseled by a physician or a designee of the physi-~~
4 ~~cian, a physician's assistant, a certified nurse midwife, a cer-~~
5 ~~tified nurse practitioner, or a local health officer or a desig-~~
6 ~~nee of a local health officer~~ ADVISED THROUGH THE DISTRIBUTION
7 OF WRITTEN EDUCATIONAL MATERIALS BY THE COUNTY CLERK regarding
8 the transmission and prevention of venereal disease and HIV
9 infection. ~~A physician or a designee of the physician, a~~
10 ~~physician's assistant, a certified nurse midwife, a certified~~

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1 ~~nurse practitioner, or a local health officer or designee of the~~
2 ~~local health officer who counsels an applicant for a marriage~~
3 ~~license under this subsection~~ THE WRITTEN EDUCATIONAL MATERIALS
4 shall ~~offer~~ DESCRIBE THE AVAILABILITY to the applicant ~~or~~
5 ~~refer the applicant for~~ OF tests for both venereal disease and
6 HIV infection. At the time an application for a marriage license
7 is filed, the county clerk with whom the application is filed
8 shall distribute to each applicant educational materials
9 ~~prepared by the department~~ on topics related to venereal dis-
10 ease, HIV transmission, and prenatal care. The information shall
11 include a list of locations where HIV counseling and testing
12 services funded by the department are available. THE WRITTEN
13 EDUCATIONAL MATERIALS SHALL BE APPROVED OR PREPARED BY THE
14 DEPARTMENT.

15 (2) A county clerk shall not issue a marriage license to an
16 applicant who fails to ~~present~~ SIGN and file with the county
17 clerk ~~1 of the following:~~ (a) A certificate AN APPLICATION FOR
18 A MARRIAGE LICENSE THAT INCLUDES A STATEMENT WITH A CHECK-OFF BOX
19 indicating that the applicant has received ~~counseling~~ THE EDU-
20 CATIONAL MATERIALS regarding the transmission and prevention of
21 both venereal disease and HIV infection and has been ~~offered or~~
22 ~~referred for~~ ADVISED OF testing for both venereal disease and
23 HIV infection, pursuant to subsection (1).

24 ~~(b) A written objection as described in subsection (4).~~

25 (3) If either applicant for a marriage license undergoes a
26 test for HIV or an antibody to HIV, and if the test results
27 indicate that an applicant is HIV infected, the physician or a

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1 designee of the physician, the physician's assistant, the
2 certified nurse midwife, or the certified nurse practitioner or
3 the local health officer or designee of the local health officer
4 administering the test immediately shall inform both applicants
5 of the test results, and shall counsel both applicants regarding
6 the modes of HIV transmission, the potential for HIV transmission
7 to a fetus, and protective measures.

8 ~~(4) An applicant or prospective applicant for a marriage~~
9 ~~license may file a written objection with the clerk for the~~
10 ~~county in which the license is to be issued stating that the~~
11 ~~counseling requirements of subsection (1) violate the personal~~
12 ~~religious beliefs of the applicant. Subsection (1) does not~~
13 ~~apply to an applicant who files a written objection under this~~
14 ~~subsection.~~

15 ~~(5) The county clerk for the county in which the license is~~
16 ~~to be issued may charge a fee for the administrative costs asso-~~
17 ~~ciated with filing a written objection under subsection (4). The~~
18 ~~fee shall not exceed the amount charged by the local health~~
19 ~~department for that county for marriage license counseling serv-~~
20 ~~ices performed pursuant to subsection (1).~~

21 (4) ~~(6)~~ As used in this section:

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

26 (b) "Certified nurse practitioner" means an individual
27 licensed as a registered professional nurse under part 172 who

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1 has been issued a specialty certification as a nurse practitioner
2 by the board of nursing under section 17210.

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

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