

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 854 Session of  
1993

INTRODUCED BY DeLUCA, KASUNIC, PETRONE, BROWN, PETRARCA,  
FAIRCHILD, TRELLO, CESSAR, DALEY, TIGUE, ROBINSON, RAYMOND,  
HALUSKA, LAUGHLIN, SURRA, SCHEETZ, ROONEY, ARMSTRONG,  
GIGLIOTTI, BUNT, HESS, ADOLPH, CLYMER, BELFANTI, STISH, FAJT,  
MIHALICH, M. N. WRIGHT, KENNEY, BATTISTO, DRUCE, ROHRER,  
MAYERNIK, MARKOSEK, BEBKO-JONES, TANGRETTI AND BARLEY,  
MARCH 23, 1993

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MARCH 23, 1993

AN ACT

1 Amending the act of April 23, 1956 (1955 P.L.1510, No.500),  
2 entitled, as amended, "An act providing for the prevention  
3 and control of communicable and non-communicable diseases  
4 including venereal diseases, fixing responsibility for  
5 disease prevention and control, requiring reports of  
6 diseases, and authorizing treatment of venereal diseases, and  
7 providing for premarital and prenatal blood tests; amending,  
8 revising and consolidating the laws relating thereto; and  
9 repealing certain acts," providing for premarital examination  
10 for AIDS and HIV.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 12 of the act of April 23, 1956 (1955  
14 P.L.1510, No.500), known as the Disease Prevention and Control  
15 Law of 1955, amended December 14, 1967 (P.L.728, No.337), is  
16 amended to read:

17 Section 12. Premarital Examination for Syphilis, AIDS and  
18 HIV.--

19 (a) No license to marry shall be issued until there shall be

1 in the possession of the clerk of the orphans' court a statement  
2 or statements signed by a duly licensed physician of the  
3 Commonwealth of Pennsylvania, or of any other State or  
4 Territory, or any commissioned medical officer in the United  
5 States Armed Forces or any physician of the Public Health  
6 Service of the Federal government, that the applicant within  
7 thirty days of the issuance of the marriage license has  
8 submitted to an examination to determine the existence or non-  
9 existence of syphilis, AIDS or HIV, which examination has  
10 included a standard serological test or tests for syphilis, AIDS  
11 or HIV, and that in the opinion of the examining physician the  
12 applicant is not infected with syphilis, AIDS or HIV, or if so  
13 infected, is not in a stage of the disease which is likely to  
14 become communicable. The physician's statement shall be  
15 accompanied by a statement from the person in charge of the  
16 laboratory making the test, or from some other person authorized  
17 to make such statement, setting forth the name of the test, the  
18 date it was made, the name and address of the physician to whom  
19 a report was sent, and the exact name and address of the person  
20 whose blood was tested, but not setting forth the result of the  
21 test.

22 (b) Any applicant for a marriage license who has been denied  
23 a physician's statement as required by this section shall have  
24 the right of appeal to the department for a review of the case,  
25 and the department shall, after appropriate investigation, issue  
26 or refuse to issue a statement in lieu of the physician's  
27 statement required by subsection (a) of this section.

28 (c) The statements required of the physician who examined  
29 the applicant and of the person in charge of the laboratory  
30 which made the serological or other test shall be uniform

1 throughout the State and shall be upon forms provided by the  
2 department or upon any comparable forms provided by other  
3 states. These forms shall be filed by the clerk of the orphans'  
4 court separately from the applications for marriage licenses,  
5 and shall be regarded as confidential by any and every person  
6 whose duty it may be to obtain, make, transmit or receive such  
7 information or report.

8 (d) It shall be unlawful for any applicant for a marriage  
9 license, physician or representative of a laboratory to  
10 misrepresent any of the facts prescribed by this act, or for any  
11 licensing officer failing to receive the statements prescribed  
12 by this act or having reason to believe that any of the facts  
13 therein have been misrepresented, nevertheless, to issue a  
14 marriage license, or for any person to disregard the  
15 confidential character of the information or reports required by  
16 this act, or for any other person otherwise to fail to comply  
17 with the provisions of this section.

18 (e) Any judge of an orphans' court within the county in  
19 which the license is to be issued is authorized and empowered,  
20 on joint application by both applicants for a marriage license,  
21 to waive the requirements as to medical examination, laboratory  
22 tests, and certificates, and to authorize the clerk of the  
23 orphans' court to issue the license, if all other requirements  
24 of the marriage laws have been complied with, and the judge is  
25 satisfied, by affidavit or other proof, that the examination or  
26 tests are contrary to the tenets or practices of the religious  
27 creed of which the applicant is an adherent, and that the public  
28 health and welfare will not be injuriously affected thereby.

29 (f) As used in this section, the following words and phrases  
30 shall have the meanings given to them in this subsection:

- 1     "AIDS."   Acquired immune deficiency syndrome.
- 2     "HIV."   Human immunodeficiency virus.
- 3     Section 2.   This act shall take effect in 60 days.