

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 454 Session of
1997

INTRODUCED BY DeLUCA, LAUGHLIN, ARMSTRONG, CLARK, THOMAS,
GIGLIOTTI, MELIO, SHANER, READSHAW, BATTISTO, STABACK, RAMOS,
MICHLOVIC, BOSCOLA, JAMES, PESCI, BELFANTI, TIGUE, CAWLEY,
SURRA, BELARDI AND STERN, FEBRUARY 11, 1997

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
FEBRUARY 11, 1997

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 acquired immune deficiency syndrome and human
11 immunodeficiency virus.

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

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

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

20 (a) No license to marry shall be issued until there shall be
21 in the possession of the clerk of the orphans' court a statement

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

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

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

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

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

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

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

30 "AIDS." Acquired immune deficiency syndrome.

1 "HIV." Human immunodeficiency virus.

2 Section 2. This act shall take effect in 60 days.