



LAWS OF ALASKA

1971

Source

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Chapter No.

103

AN ACT

Relating to examinations for infectious and heritable diseases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 25.05.101 is amended to read:

Sec. 25.05.101. PREMARITAL CERTIFICATE. (a) Before a licensing officer issues a marriage license, each party shall file with him a premarital certificate from a licensed physician or osteopathic physician stating

(1) the name and age of the applicant;

(2) that the applicant has been tested, as prescribed in the regulations of the department, for the presence of infectious or heritable disease; and

(3) that the physician or osteopathic physician has received and examined the report or reports of testing and that he has advised the applicant of the medical implications of each abnormal test.

(b) A license may not be issued more than 30 days after laboratory testing.

* Sec. 2. AS 25.05 is amended by adding a new section to read:

Sec. 25.05.105. PRESCRIBED TESTS. The department shall by regulation under the Administrative Procedure Act (AS 44.62) prescribe the approved tests required for the purposes of this chapter.

* Sec. 3. AS 25.05.131 is amended to read:

Sec. 25.05.131. LABORATORY REPORTS OF TESTS OF INFECTIOUS OR HERITABLE DISEASE. The person in charge of the laboratory making the test or tests or some other person authorized to make the reports shall make the required report on the premarital certificate setting out the name of the test or tests, dates made, the name and address of the physician or osteopathic physician to whom the report was sent, and the name and address of the person whose blood was tested, but not stating the result of the test.

* Sec. 4. AS 25.05.141 is amended to read:

Sec. 25.05.141. LABORATORY RESULTS CONFIDENTIAL. A detailed report of the test or tests for infectious or heritable disease on a separate laboratory report form to be furnished by the department, together with the premarital certificate, shall be sent from the laboratory to the physician or osteopathic physician requesting the report. The physician or osteopathic physician shall retain this report as a part of his confidential files. A duplicate shall be sent by the laboratory to the department where it shall be held in absolute confidence and shall not be open for public inspection. The report shall not be produced for evidence in any court. The reports may be used in the epidemiological investigations of infectious or heritable disease by the department. The reports may be used in the compilation of aggregate statistics and reports but the identities of the persons involved shall never be disclosed.

* Sec. 5. AS 25.05.151 is amended to read:

Sec. 25.05.151. TESTS AND LABORATORIES. For the purposes of this chapter, tests for infectious or heritable disease is a test or series of tests for the presence of infectious or heritable disease approved by the department, made at a laboratory or clinic approved by the department. The department may make regulations under the Administrative Procedure Act (AS 44.62) governing the approval of laboratories or clinics for tests for infectious or heritable diseases. The laboratories of the department may make required premarital laboratory tests without charge on the request of any licensed physician or osteopathic physician. In submitting the sample to the laboratory the physician or osteopathic physician shall identify it as a premarital test sample.

* Sec. 6. AS 25.05.181(a) is amended to read:

(a) A licensing officer may, on joint application by both applicants for a marriage license, waive the requirements as to laboratory tests, and premarital certificates if he believes that the public health and welfare will not be adversely affected and if

(1) there is no licensed physician or osteopathic physician in the area in which the applicants and the licensing officer reside; or

(2) a delay has been certified by the physician or osteopathic physician taking the blood specimen

in a community where no laboratory is located, the certificate stating that the blood specimen was sent to the laboratory at least three days before the certification and that no return has as yet been received from the laboratory; or

(3) the test or tests are contrary to the tenets or practices of the religious creed of which the applicant is an adherent.

* Sec. 7. AS 25.05.221(a) is amended to read:

(a) Forms for application, statements, consent of parents, affidavits, licenses, and other forms necessary to comply with this chapter shall be prescribed by the registrar and provided at the expense of the state. The registrar shall furnish all necessary forms to each licensing officer. He shall provide him with a suitable book in which to keep the marriage license docket. The forms for the premarital certificate shall be provided and distributed by the department to approved laboratories or clinics inside the state and to proper authorities in an official state or Canadian province public health laboratory. A premarital certificate which has been approved by the proper authority in a state or Canadian province requiring premarital examinations for infectious or heritable disease shall be accepted in Alaska.

* Sec. 8. AS 33.30.050 is amended to read:

Sec. 33.30.050. COMMISSIONER TO PROVIDE MEDICAL SERVICES. The commissioner shall detail physicians, nurses, and psychiatrists, or their aides, and laboratory technicians, employed by the department to any prison facility where state prisoners are detained or confined, for the purpose of furnishing necessary medical services, including examinations for communicable and infectious diseases. However, if medical services cannot be furnished by physicians, nurses, psychiatrists, or their aides, and laboratory technicians, regularly employed by the department, the commissioner may contract with private practitioners located in the area of a prison facility to furnish these services. The cost of contracted services shall be paid out of appropriations made to the department.