

1 IN THE Senate

BY Barnes

2 Senate BILL NO. 45

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to promote the public health of
7 the people of the Territory of Alaska and
8 to provide for premarital physical
9 examinations and serological tests;
10 prescribing powers and duties of the
11 Commissioner of Health; defining offenses
12 and prescribing penalties; amending
13 Chapter 64 Session Laws of Alaska 1949."

14 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

15 Section 1. Chapter 64, Session Laws of Alaska 1949, is
16 amended to read as follows:

17 Section 1. **PHYSICIAN'S CERTIFICATE: PREREQUISITE FOR**
18 **MARRIAGE LICENSE.** Before any licensing officer shall issue
19 any marriage license, each applicant therefor shall file
20 with him a premarital certificate from a licensed physician
21 or surgeon, which certificate shall state the age of the
22 applicant; that the applicant has been given a physical
23 examination, including a standard serological test for
24 syphilis, made not more than thirty days prior to the date
25 of issuance of such license and that in the opinion of such
26 physician or surgeon, the applicant either is not infected
27 with syphilis or other venereal disease, or, if so
28 infected, is not in a stage of such disease which is or
29 which may become communicable.

1 Section 2. SHALL BE ACCOMPANIED BY LABORATORY REPORT.
2 The premarital certificate shall (BE ACCOMPANIED BY)
3 contain a report from the person in charge of the laboratory
4 making a standard serological test, or from some other
5 person authorized to make such reports, setting forth the
6 name of the test, the date it was made, the name and
7 address of the physician or surgeon to whom the report was
8 sent, and the name and address of the person whose blood
9 was tested, but not stating the result of the test.

10 Section 3. FORMS PROVIDED BY ALASKA DEPARTMENT OF
11 HEALTH. The premarital certificate (AND REPORT) shall be
12 on a form to be provided and distributed by the Alaska
13 Department of Health to approved laboratories or clinics in
14 the Territory. This form is referred to in this Act as the
15 ("CERTIFICATE FORM") premarital certificate. Any
16 (CERTIFICATE FORM) premarital certificate which has been
17 approved by the proper authority in any state or Canadian
18 Province requiring premarital examinations for venereal
19 diseases shall be accepted in Alaska.

20 Section 4. TESTS AND LABORATORIES: APPROVED BY ALASKA
21 DEPARTMENT OF HEALTH. For the purposes of this Act, a
22 standard serological test shall be a test for syphilis
23 approved by the Alaska Department of Health and shall be
24 made at a laboratory or clinic approved by the Alaska
25 Department of Health. The Alaska Department of Health is
26 authorized and empowered to make rules and regulations
27 governing the approval of laboratories or clinics for the
28 purpose of this Act. The laboratories of the Alaska
29 Department of Health shall make such laboratory tests or

1 examinations as are required without charge on the request
2 of any licensed physician or surgeon. In submitting the
3 sample to the laboratory, the physician shall designate
4 that it is for a premarital test.

5 Section 5. LABORATORY REPORTS: CONFIDENTIAL:
6 EXCEPTIONS. Upon a separate form laboratory report to be
7 furnished by the Alaska Department of Health a detailed
8 report of the examination or standard serological test,
9 together with the premarital certificate (FORM), shall be
10 transmitted from the laboratory to the physician requesting
11 the report. This laboratory report form shall be retained
12 by the physician as a part of his confidential files. A
13 duplicate of this laboratory report shall be transmitted by
14 the laboratory to the Alaska Department of Health, where it
15 shall be held in absolute confidence and shall not be open
16 to public inspection; provided that it shall not be produced
17 for evidence at a trial or proceeding in any court, and
18 provided that it may be used in the compilation of aggregate
19 figures and reports, without disclosing the identities of
20 the persons involved. Any Territorial official or any
21 Territorial employee who shall knowingly or wilfully violate
22 the confidence herein provided, or who shall knowingly or
23 wilfully disclose to anyone not authorized, any information
24 of a confidential nature specified herein shall be deemed
25 guilty of a misdemeanor, and shall, upon conviction thereof,
26 be punished by a fine of not more than \$500.00 or by
27 imprisonment in a Federal jail of not more than six months,
28 or by both such fine and imprisonment.

29 Section 6. PREMARITAL CERTIFICATE (SHALL BE ATTACHED

[Faint, mostly illegible text covering the majority of the page]

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Page 3 Line 25 Delete underlining under the word "a"

1 TO) NOTED ON LICENSE. (BEFORE) When the licensing officer
2 issues any marriage license, he shall (ATTACH THERETO)
3 enter therein, in the space provided, that he has on file
4 the, above mentioned (CERTIFICATE FORM) premarital
5 certificates of each applicant, with the date of the
6 laboratory test, or the waiver order provided (FOR) in
7 Section 7. The commissioner shall file in his office with
8 the Marriage License Docket the above mentioned premarital
9 certificates or waiver order. No person authorized to
10 perform marriage ceremonies in Alaska shall perform any
11 ceremony (UNLESS THE CERTIFICATE FORM OF EACH PARTY, OR THE
12 WAIVER ORDER DISPENSING THEREWITH IS ATTACHED TO THE
13 MARRIAGE LICENSE, AND THEY SHALL REMAIN SO ATTACHED UNTIL
14 THE MARRIAGE CERTIFICATE IS RETURNED AS PROVIDED BY LAW,
15 AT WHICH TIME THE CERTIFICATE FORMS OR THE WAIVER ORDER OR
16 CERTIFIED TRANSCRIPTS OF EITHER OF THEM SHALL BE ATTACHED
17 TO THE TRANSCRIPT OF THE MARRIAGE CERTIFICATE AND BE
18 TRANSMITTED BY THE LICENSING OFFICER TO THE TERRITORIAL
19 REGISTRAR OF VITAL STATISTICS) without the marriage license
20 having the proper entries pertaining to the premarital
21 certificates or waiver order as specified above.

22 Section 7. COMMISSIONER EMPOWERED TO WAIVE
23 EXAMINATION AND LABORATORY TEST. A United States Commis-
24 sioner or United States Marriage Commissioner within the
25 judicial division in which the license is to be issued is
26 authorized and empowered, on joint application by both
27 applicants for a marriage license to waive the requirements
28 as to medical examinations, laboratory tests, and
29 premarital certificates, and issue the license, if all

Page 4 Line 3 Change word "therein" to read "thereon"

1 other requirements of the marriage laws have been complied
2 with, if the commissioner is satisfied by affidavit or
3 other proof that an emergency exists by reason of the
4 absence from the (PRECINCT) area in which the applicants
5 and commissioner reside of a licensed physician or surgeon
6 to make such physical examination of the applicants, or
7 that such examination or test is contrary to the tenets or
8 practices of the religious creed of which the applicant is
9 an adherent, and that the public health and welfare will not
10 be injuriously affected thereby. The order of the
11 Commissioner shall be filed as provided in Section 6 in
12 lieu of the premarital certificate (FORM). There shall be
13 no fee or court costs for these proceedings and all records
14 connected therewith shall be held in absolute confidence and
15 shall not be open to public inspection and the hearings on
16 the application shall not be made public or open to the
17 public.

18 Section 8. FAILURE TO COMPLY: MISDEMEANOR. Any person
19 who misrepresents any fact required to be stated on the
20 premarital certificate (FORM) or other form required by this
21 Act, or any licensing officer who issues a marriage license
22 without having received the premarital certificates (FORMS)
23 or waiver order as provided in this Act, or who has reason
24 to believe that any of the facts thereon have been so
25 misrepresented and shall nevertheless issue a marriage
26 license, or any person authorized to perform marriage
27 ceremonies who performs any such ceremony without the
28 premarital certificates (FORMS) or waiver order (ATTACHED
29 TO) noted on the marriage license, or any person who

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otherwise fails to comply with the provisions of this Act shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than \$250.00.

add to Section 9. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and such application to other persons or circumstances shall not be affected thereby.

Page 6 Delete Section 9.