

Original sponsor: Thomas

Offered: 3/17/71
Referred: Rules

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BY THE HEALTH, WELFARE
AND EDUCATION COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 73

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to examinations for infectious and
7 heritable diseases."

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

9 * Section 1. AS 25.05.101 is amended to read:

10 Sec. 25.05.101. PREMARITAL CERTIFICATE. (a) Before a licensing
11 officer issues a marriage license, each party shall file with him a
12 premarital certificate from a licensed physician or osteopathic physi-
13 cian [SURGEON] stating

14 (1) the name and age of the applicant

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15 (2) that the applicant has been tested, as prescribed in the
16 regulations of the department, for the presence of infectious or heri-
17 table disease [GIVEN A PHYSICAL EXAMINATION, INCLUDING A STANDARD
18 SEROLOGICAL TEST FOR SYPHILIS]; and

19 (3) that, the physician or osteopathic physician certify
20 that he has received and examined the report or reports of testing
21 and that he has advised the applicant of the medical implications of
22 each abnormal test [IN THE OPINION OF THE PHYSICIAN OR SURGEON, THE
23 APPLICANT IS NOT INFECTED WITH VENEREAL DISEASE, OR, IF INFECTED, IS
24 NOT IN AND WILL NOT REACH A STAGE OF THE DISEASE IN WHICH THE DISEASE
25 IS COMMUNICABLE].

26 (b) A [NO] license shall not be issued more than 30 days after
27 laboratory testing [THE SEROLOGICAL TEST].

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

29 Sec. 25.05.105. PRESCRIBED TESTS. The department shall by

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1 regulation under the Administrative Procedure Act (AS 44.62) prescribe
2 the approved tests required for the purposes of this chapter.

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

4 Sec. 25.05.131. LABORATORY REPORTS OF TESTS OF INFECTIOUS OR
5 HERITABLE DISEASE [REPORT OF STANDARD SEROLOGICAL TEST]. The
6 person in charge of the laboratory making the [SEROLOGICAL] test or
7 tests or some other person authorized to make the reports shall make
8 the required report on the premarital certificate setting out the
9 name of the test [,] or tests, dates [THE DATE IT WAS] made, the
10 name and address of the physician or osteopathic physician [SURGEON]
11 to whom the report was sent, and the name and address of the person
12 whose blood was tested, but not stating the result of the test.

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

14 Sec. 25.05.141. LABORATORY RESULTS CONFIDENTIAL. A detailed
15 report of the test or tests for infectious or heritable disease
16 [STANDARD SEROLOGICAL TESTS] on a separate laboratory report form
17 to be furnished by the department, together with the premarital certi-
18 ficate, shall be sent from the laboratory to the physician or osteo-
19 pathic physician requesting the report. The physician or osteopathic
20 physician shall retain this report as a part of his confidential
21 files. A duplicate shall be sent by the laboratory to the department
22 where it shall be held in absolute confidence and shall not be open
23 for public inspection. The report shall not be produced for evidence
24 in any court. The reports may be used in the epidemiological investi-
25 gations of infectious or heritable disease by the department. The
26 reports may be used in the compilation of aggregate statistics and
27 reports but [WITHOUT DISCLOSING] the identities of the persons in-
28 volved shall never be disclosed.

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

1 Sec. 25.05.151. TESTS AND LABORATORIES. For the purposes of
2 this chapter, tests for infectious or heritable disease [A STANDARD
3 SEROLOGICAL TEST] is a test or series of tests for the presence of
4 infectious or heritable disease [FOR SYPHILIS] approved by the
5 department, made at a laboratory or clinic approved by the department.
6 The department may make regulations under the Administrative Procedure
7 Act (AS 44.62) governing the approval of laboratories or clinics for
8 tests for infectious or heritable diseases [STANDARD SEROLOGICAL
9 TESTS]. The laboratories of the department may make required premarital
10 laboratory tests without charge on the request of any licensed
11 physician or osteopathic physician [SURGEON]. In submitting the
12 sample to the laboratory the physician or osteopathic physician shall
13 identify it as a premarital test sample.

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

15 (a) A licensing officer may, on joint application by both appli-
16 cants for a marriage license, waive the requirements as to [PHYSICAL
17 EXAMINATIONS,] laboratory tests, and premarital certificates if he
18 believes that the public health and welfare will not be adversely
19 affected and if

20 (1) there is no licensed physician or osteopathic physician
21 [SURGEON TO MAKE THE PHYSICAL EXAMINATION] in the area in which the
22 applicants and the licensing officer reside; or

23 (2) a delay has been certified by the physician or osteo-
24 pathic physician taking the blood specimen [TEST] in a community
25 where no laboratory is located, the certificate stating that the
26 blood specimen [TEST] was sent to the laboratory at least three days
27 before the certification and that no return has as yet been received
28 from the laboratory; or

29 (3) the [EXAMINATION OR] test or tests are [IS] contrary

1 to the tenets or practices of the religious creed of which the applicant
2 is an adherent.

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

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

17 * Sec. 8. AS 33.30 is amended by adding a new section to read:

18 Sec. 33.30.155. EXAMINATION OF PERSONS IN CUSTODY. The department
19 shall promulgate regulations, in accordance with AS 44.62, for the
20 medical examination, including examinations for communicable and
21 infectious diseases as defined in AS 18.15.010, of persons in custody.
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