

A Bill for an Act Relating to Abolishment of the Premarital Examination for Syphilis.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 572-7, Hawaii Revised Statutes, is amended to read as follows:

“§572-7 Premarital examination requirement. (a) [Except as in this section otherwise provided, no application for a marriage license shall be accepted by a marriage license agent unless accompanied by a physician’s statement, signed by a licensed physician or by a commissioned medical officer of the United States Air Force, Army, Navy, or Public Health Service, that the applicant for the license

has on a day named in the statement, which day is within a period of thirty days immediately prior to the first day on which the license may be issued, been given an examination for syphilis, including a serological test for syphilis and immunity against rubella, and is not, in the opinion of the physician, infected with syphilis or, if so infected, is not, in his opinion, in a state of syphilis which is, or may become, communicable and is or is not immune, in the physician's opinion, to rubella and that the applicant has been informed of the adverse effects of rubella on the fetus;] Except as otherwise provided in this section, no application for a marriage license shall be accepted by a marriage license agent unless the female provides a physician's statement signed by a licensed physician or by a commissioned medical officer of the United States Air Force, Army, Navy or Public Health Service verifying that the female has been given a serological test for immunity against rubella and has been informed of the adverse affects of rubella on the fetus; provided that no examination for immunity to rubella is required of the [applicant] female who provides proof of immunization with live rubella virus vaccine, or who, by reason of [sex,] age[,] or other medically determined condition is not and will never be physically able to conceive a child.

(b) On the joint petition under oath of both parties desiring a marriage license and for sufficient cause satisfactorily proved to him by affidavit or otherwise, a circuit judge, if satisfied that the public health and welfare will not be injuriously affected thereby, may in his discretion make an order dispensing with compliance with subsection (a) [as to either or both of the parties or extending for such parties by not more than sixty days to a day named in the order the period of thirty days mentioned in subsection (a)]. The circuit judge shall, in his decision on the petition, state his findings of fact in support of the order. The order shall become effective according to its tenor when a certified copy of the order has been filed with the marriage license agent.

(c) The serological test [shall be serological test for syphilis and] for determining immunity against rubella shall be approved by the department of health and performed in a laboratory of [,] or [for such test] one approved by [,] the department. [On request of a licensed physician the department shall perform such test without charge.] Only blood samples obtained in a department clinic will be analyzed in the department's lab without charge.

(d) After the completion of the serological test but prior to the issuance of the physician's statement, a written report of the test showing its result shall be transmitted to the physician by the director of the laboratory; one copy of the report shall be filed with the department by such director and another shall for one year be held on file at the laboratory for inspection by any authorized agent of the department. No physician's statement shall be effective under subsection (a) unless accompanied on the same sheet by a statement signed by the laboratory director or his authorized subordinate or the name and completion date, but not the result, of the test and the name and address of the person whose blood was tested, and by a statement signed by the applicant that [he] she is such person.

(e) No information secured from any examination, test, report, statement, or circuit judge's order or decision made under this section shall be divulged by any person except in the performance of his official duties or his professional or other

employment, as contemplated by law, or in compliance with a court order, or except as to his own condition.

[(f)] Nothing in this section shall impair or affect any law or any ordinance, rule, or regulation made by authority of law, relative to the reporting of cases of syphilis discovered by physicians.]

[(g)] (f) Any person who by fraud or wilful misrepresentation circumvents or defeats or attempts to circumvent or defeat, any purpose or provision of this section, or who, being a marriage license agent, accepts any marriage license application in violation of this section, or with knowledge that any statement accompanying the application for such a license contains any false statement issues a marriage license, or who violates subsection (e), shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

[(h)] (g) The department may prescribe the form of the statements and the report mentioned in subsection (d)."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 11, 1983.)