

ASSEMBLY, No. 2545

STATE OF NEW JERSEY

INTRODUCED DECEMBER 5, 1996

By Assemblywoman CRECCO, Assemblymen BODINE, Bucco,
Kavanaugh, Rooney, Kelly and Assemblywoman Heck

1 AN ACT requiring AIDS testing for marriage license applicants and
2 supplementing chapter 1 of Title 37 of the Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. Before any person, who is now or hereafter authorized by
8 law to issue marriage licenses, shall issue a license, each applicant
9 therefor shall file with him a certificate signed by a physician licensed
10 in this State or any other state or in any other territory of the United
11 States, or the District of Columbia, or by a commissioned medical
12 officer on active duty with the Armed Forces of the United States or
13 with the Public Health Service, which certificate shall state that the
14 applicant has submitted to an approved test for the presence of HIV
15 infection and that the physician has notified the applicant in writing of
16 the result of this test. The certificate shall be on a form prescribed by
17 the Department of Health and Senior Services pursuant to subsection
18 c. of this section. The physician signing the certificate shall set forth
19 his office address therein and the certificate shall be valid for 30 days
20 from the date of the HIV test.

21 A physician licensed in this State may submit to the person
22 authorized by law to issue marriage licenses, in lieu of a certificate, a
23 statement over his signature that the female applicant for the license
24 is near the termination of her pregnancy or the death of one or both
25 applicants is imminent and that he has taken blood samples adequate
26 for HIV testing from the applicant, excepting those whose death is
27 imminent, and forwarded same to the department's laboratory, in
28 which case a certificate shall not be required of the applicant prior to
29 issuance of a license.

30 b. The certificate shall contain a statement signed by the person in
31 charge of the laboratory making the test, or other person authorized
32 by the laboratory to sign the certificate, setting forth the test
33 performed, the date thereof, the name and address of the person whose
34 blood was tested, and certifying that the laboratory is approved for the
35 performance of tests for the presence of the HIV infection by the
36 Department of Health and Senior Services or the Armed Forces of the

1 United States or the Public Health Service, or by the department of
2 health of the District of Columbia, or of the territory or state in which
3 the laboratory is situated. The applicant shall also sign a statement on
4 the certificate setting forth that he is the applicant referred to therein.

5 c. The certificate shall be on a form to be provided and distributed
6 by the Department of Health and Senior Services to approved
7 laboratories in the State or on a form approved for use in this State by
8 the department. A notice to the applicant of the result of the approved
9 test for the presence of HIV infection, required by subsection a. of this
10 section and as prescribed by the department, shall be attached to the
11 form. The notice shall include information concerning the implications
12 of a positive test result.

13 d. For the purpose of this act, a test for the presence of the HIV
14 infection means a test to determine if an infection with the human
15 immunodeficiency virus or any related virus identified as a probable
16 causative agent of AIDS is present, performed in a laboratory in this
17 State approved to make such tests by the Department of Health and
18 Senior Services, a health department of a state or territory of the
19 United States, or the District of Columbia, wherein the laboratory is
20 located, or in a laboratory of the Armed Forces of the United States
21 or the United States Public Health Service.

22 The laboratory test required by this act may be performed in the
23 laboratories of the Department of Health and Senior Services.

24 e. Any applicant for a marriage license, physician, or representative
25 of a laboratory who misrepresents any of the facts called for by the
26 certificate required pursuant to subsection a. of this section or a
27 physician's statement, submitted in lieu thereof, or the notice to the
28 applicant concerning the test for the presence of the HIV infection
29 prescribed by this act; or any licensing officer who fails to receive the
30 certificate, or a physician's statement, submitted in lieu thereof, or who
31 shall have reason to believe that any of the facts thereon has been so
32 misrepresented, and shall nevertheless issue a marriage license; or any
33 person who shall otherwise fail to comply with the provisions of this
34 act shall be subject to a penalty of not less than \$10 nor more than
35 \$100, to be recovered with costs in a civil action by and in the name
36 of the local board of health of the municipality where the marriage
37 license was issued, or by and in the name of the Department of Health
38 and Senior Services.

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40 2. Nothing in this act shall prohibit a licensing officer from issuing
41 a marriage license to an applicant with a positive result to the test for
42 the presence of the HIV infection.

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44 3. This act shall take effect on the 30th day after enactment.

STATEMENT

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3 This bill requires that applicants for a marriage license obtain a test
4 for the presence of the HIV infection. Licensed physicians shall sign
5 a certificate approved by the Department of Health and Senior
6 Services stating that the applicant has submitted to an approved test
7 for the presence of HIV infection. The physician shall also notify each
8 applicant in writing of the result of the test, including information
9 concerning the implications of a positive test result. The bill does not
10 prohibit persons with a positive test result from obtaining a marriage
11 license.

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16 _____ Requires marriage license applicants to be tested for AIDS.