

ACT 143

S.B. NO. 1611

A Bill for an Act Relating to Premarital Examinations.

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

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

1. By amending subsection (a) to read:

“(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; provided that no examination for immunity to rubella is required of the applicant 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.”

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2. By amending subsection (c) to read:

“(c) The serological test shall be a serological test for syphilis and for determining immunity against rubella approved by the department of health and performed in a laboratory of, or for such test approved by, the department. On request of a licensed physician the department shall perform such test without charge.”

SECTION 2. The department of health shall be responsible for the follow-up and immunization of those women found to be susceptible to rubella and those referred to the department of health by their private physician, with the informed consent of the patient.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000, or so much thereof as may be necessary, to carry out the purposes of this Act. The sum appropriated shall be expended by the department of health. All unexpended and unencumbered balances of the appropriations made by this Act as of the close of business on June 30, 1980, shall lapse into the general funds of the State.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 5. This Act shall take effect on July 1, 1979, and the provision for mandatory premarital rubella screening shall remain in effect until June 30, 1984.

(Approved June 1, 1979.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.