



1995 ASSEMBLY BILL 957

February 26, 1996 - Introduced by Representatives FOTI, BALDWIN, OTT, URBAN, PLACHE, HASENOHRL, BOYLE, BOCK, KREIBICH, AINSWORTH, LADWIG, GUNDERSON, SERATTI, SCHNEIDERS, HANSON, OLSEN, FREESE, VRAKAS, CULLEN, KAUFERT, JOHNSRUD, MURAT, CARPENTER, NOTESTEIN and R. YOUNG, cosponsored by Senators PANZER, BUETTNER and GROBSCHMIDT. Referred to Committee on Health.

1 **AN ACT to amend** 765.09 (3) and 765.12 (1); and **to create** 46.03 (34m) of the
2 statutes; **relating to:** requiring distribution of a pamphlet on acquired
3 immunodeficiency syndrome and HIV to applicants for marriage licenses.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and social services (DHSS) must acquire pamphlets that describe the causes and effects of fetal alcohol syndrome and the dangers to a fetus of the mother's use of cocaine or other drugs during pregnancy and distribute the pamphlets free of charge to county clerks. County clerks, in turn, must provide the pamphlets with each marriage license issued. Under 1995 Wisconsin Act 27, DHSS is renamed the department of health and family services (DHFS), effective July 1, 1996.

This bill requires DHFS to acquire, without cost if possible, or produce a pamphlet on acquired immunodeficiency syndrome (AIDS) and HIV (the virus that causes AIDS). Under the bill, DHFS must distribute the pamphlets free of charge, beginning September 1, 1996, to each county clerk in sufficient quantities so that each county clerk may provide the pamphlets to marriage license applicants. The bill requires that county clerks both provide the pamphlets and require applicants to indicate receipt, on the marriage license application, of the pamphlets or refusal, on religious grounds, to receive them. Lastly, the bill requires that the marriage license application form include acknowledgement of receipt or refusal to receive the pamphlets.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 46.03 (34m) of the statutes is created to read:

2 46.03 **(34m)** PAMPHLETS ON ACQUIRED IMMUNODEFICIENCY SYNDROME AND HIV. (a)

3 In this subsection, "HIV" has the meaning given in s. 252.01 (1m).

4 (b) The department shall acquire, without cost if possible, or shall produce a
5 pamphlet that does all of the following:

6 1. Explains what acquired immunodeficiency syndrome and HIV are.

7 2. Explains how HIV is transmitted, including transmittal from an infected
8 mother to her child.

9 3. Specifies behavior that places individuals at risk for receipt of HIV.

10 4. Provides information about testing for HIV and counseling for HIV and
11 acquired immunodeficiency syndrome.

12 (c) By September 1, 1996, the department shall distribute the pamphlets
13 described under par. (b) free of charge to each county clerk in sufficient quantities
14 so that each county clerk may provide pamphlets to marriage license applicants
15 under s. 765.12 (1).

16 **SECTION 2.** 765.09 (3) of the statutes is amended to read:

17 765.09 **(3)** Each party shall present satisfactory, documentary proof of
18 identification and residence and shall swear (or affirm) to the application before the
19 clerk who is to issue the marriage license or the person authorized to accept such
20 applications in the county and state where the party resides. The application shall
21 contain such informational items as the department of health and social services
22 directs, including, beginning September 1, 1996, an entry for acknowledgement of
23 receipt by the applicants of the pamphlets that are specified under s. 765.12 (1) or
24 refusal by the applicants, on religious grounds, to receive the pamphlets. Each
25 applicant under 30 years of age shall exhibit to the clerk a certified copy of a birth

1 certificate, and any applicants shall submit a copy of any judgments or a death
2 certificate affecting the marital status. If such certificate or judgment is
3 unobtainable, other satisfactory documentary proof of the requisite facts therein
4 may be presented in lieu thereof. Whenever the clerk is not satisfied with the
5 documentary proof presented, he or she shall submit the same, for an opinion as to
6 the sufficiency of the proof, to a judge of a court of record in the county of application.

7 **SECTION 3.** 765.12 (1) of the statutes is amended to read:

8 765.12 (1) If ss. 765.02, 765.05, 765.08 and 765.09 are complied with, and if
9 there is no prohibition against or legal objection to the marriage, the county clerk
10 shall issue a marriage license. With each marriage license the county clerk shall
11 provide a pamphlet describing the causes and effects of fetal alcohol syndrome and
12 the dangers to a fetus of the mother's use of cocaine or other drugs during pregnancy,
13 as specified in s. 46.03 (34), and a pamphlet describing acquired immunodeficiency
14 syndrome and HIV, as specified in s. 46.03 (34m), and shall require that the
15 applicants indicate, on the application, receipt of the pamphlets or refusal, on
16 religious grounds, to receive the pamphlets. After the application for the marriage
17 license the clerk shall, upon the sworn statement of either of the applicants, correct
18 any erroneous, false or insufficient statement in the marriage license or in the
19 application therefor which shall come to the clerk's attention prior to the marriage
20 and shall show the corrected statement as soon as reasonably possible to the other
21 applicant.

22 (END)