

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 12, 1943.

The committee on Public Health, to whom were referred so much of the recommendations of the Department of Public Health (House, No. 83) as relates to further regulating the filing of notices of intention of marriage (accompanied by bill, House, No. 84), the petition (accompanied by bill, House, No. 505) of the Massachusetts Town Clerks' Association for legislation to regulate further the filing of notice of intention of marriage and the delivery of certificates of entry of notice of intention, the petition (accompanied by bill, House, No. 510) of Henry M. Landesman for legislation relative to regulating further reciprocal relations of other states in regard to filing marriage intentions, the petition (accompanied by bill, House, No. 721) of Francis J. Fay (state registrar of Boston) that special judges of probate and insolvency and special justices of district courts be authorized to waive requirements of the blood test law, so called and the petition (accompanied by bill, House, No. 870) of Annie D. Brown to regulate further the filing of notices of intention of marriage, the delivery of certificates of such intention and the return of unused certificates, report the accompanying bill (House, No. 1716).

For the committee,

LESLIE B. CUTLER.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Three.

AN ACT FURTHER REGULATING THE FILING OF NOTICES OF INTENTION OF MARRIAGE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter two hundred and seven of
2 the General Laws is hereby amended by inserting
3 after section twenty-eight, as amended, the following
4 new section:—

5 *Section 28A.* Except as hereinafter provided, a
6 certificate shall not be issued by the clerk or registrar
7 under section twenty-eight until he has received from
8 each party required to file notice of intention of mar-
9 riage a medical certificate signed by a qualified physi-
10 cian registered and practicing in the commonwealth,
11 a physician registered or licensed to practice in any
12 other state of the United States or a commissioned
13 medical officer on active service in the armed forces
14 of the United States who has examined such party as
15 hereinafter provided. Such examination shall be
16 made only to ascertain the evidence of venereal
17 disease, including syphilis or gonorrhoea, and shall
18 include a serological test for syphilis. Said test shall
19 be made by a laboratory of the state department of
20 public health or by a laboratory approved by it for
21 such test. The examination by such physician and the

22 laboratory test shall be made not more than thirty
23 days before a certificate is issued under section twenty-
24 eight. If such physician, in making such examination,
25 discovers evidence of any such disease, he shall inform
26 both parties of the nature of such disease and of the
27 possibilities of transmitting the same to his or her
28 marital partner or to their children.

29 Such medical certificate by a physician registered
30 and practicing in the commonwealth shall read as
31 follows:— I, (name and address of physician), a
32 registered physician of (city or town) in the common-
33 wealth of Massachusetts declare that on (month,
34 day, year) I examined (name and address of party)
35 in accordance with section twenty-eight A of chapter
36 two hundred and seven of the General Laws. This
37 certificate is made under the penalties of perjury.

38 Such medical certificate by a physician registered
39 in any other state of the United States shall read as
40 follows:— I, (name and address of physician) a
41 physician registered or licensed to practise in (state,
42 territory or District of Columbia), on oath declare
43 that on (month, day, year) I examined (name and
44 address of party) in accordance with section twenty-
45 eight A of chapter two hundred and seven of the
46 General Laws of the commonwealth of Massachusetts.

47 Such medical certificate by a commissioned medical
48 officer on active service in the armed forces of the
49 United States shall read as follows:— I (name and
50 address of physician) a (rank or title) serving in the
51 (army) (navy) of the United States on oath declare
52 that on (month, day, year) I examined (name and
53 home address of party) in accordance with section
54 twenty-eight A of chapter two hundred and seven
55 of the General Laws of the commonwealth of Massa-
56 chusetts.

57 Blank forms of medical certificates required under
58 this section shall be furnished to city and town clerks
59 by the department of public health.

60 The clerk or registrar receiving such medical
61 certificates in the case of an intended marriage shall
62 endorse on the certificate to be issued by him under
63 section twenty-eight in relation to the marriage a
64 statement that such medical certificates have been
65 received.

66 In emergency cases where the death of either party
67 is imminent or where the female is near the termina-
68 tion of her pregnancy, upon the authoritative request
69 of a minister, clergyman, priest, rabbi or attending
70 physician, the clerk or registrar may issue a certificate
71 under section twenty-eight without having received
72 the medical certificate as provided by this section.

73 Whoever fails to comply with this section shall be
74 punished by a fine of not less than ten nor more than
75 one hundred dollars.

1 SECTION 2. Section twenty B of said chapter
2 two hundred and seven, as amended by sections one
3 and two of chapter six hundred and ninety-seven of
4 the acts of nineteen hundred and forty-one, is hereby
5 repealed.

1 SECTION 3. Section twenty of said chapter two
2 hundred and seven, as amended by chapter one hun-
3 dred and twenty-seven of the acts of nineteen hundred
4 and thirty-three, is hereby further amended by
5 inserting after the word "residence" in the eighteenth
6 line the following sentence: — In case of persons, one
7 or both of whom are in the armed forces, such notice
8 may be given by either party irrespective of such
9 other party's residence.