

HOUSE No. 2043

By Mr. Flynn of Boston, petition of Raymond L. Flynn and Robert H. Quinn (Attorney General) relative to the prevention of infant abnormalities by early detection of Rubella (German Measles). Social Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Four.

AN ACT TO PREVENT INFANT ABNORMALITIES BY EARLY DETECTION OF RUBELLA (GERMAN MEASLES).

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

1 Except as hereinafter provided, a certificate shall not be issued
2 by the clerk or registrar under section twenty-eight until he has
3 received from each party to the intended marriage a medical
4 certificate signed by a qualified physician registered and prac-
5 ticing in the commonwealth, a physician registered or licensed to
6 practice in any other state or territory of the United States, or
7 the District of Columbia, or a commissioned medical officer on
8 active service in the armed forces or the public health service of
9 the United States, or a qualified physician registered and
10 practicing in Canada, who has examined such party as hereinafter
11 provided. Such examination shall be made only to identify
12 women susceptible to rubella and to ascertain the presence or
13 absence of evidence of syphilis, and shall include recognized
14 serological tests; said tests shall be made by a laboratory of the
15 department of public health, or by a laboratory meeting standards
16 approved by said department, or if not located within the
17 commonwealth, acceptable to said department; the examination
18 by such physician and the laboratory tests shall have been made
19 not more than thirty days prior to the date of filing the notice of

20 intention of marriage or, if made after the date of filing the
21 notice of intention of marriage or, if made after the date of filing
22 such notice, not more than sixty days prior to issuing a
23 certificate under section twenty-eight.

24 If such physician, in making such examination, discovers
25 evidence of syphilis, he shall inform both parties to the intended
26 marriage of the nature of such disease and of the possibilities of
27 transmitting such infection to his or her marital partner or to
28 their children. The physician shall also certify on forms provided
29 by said department that the applicant therein named has been
30 given an examination, including a serological test for syphilis, on
31 a day specified in the statement, and that, in the opinion of the
32 physician, the person therein named is not infected with syphilis,
33 or if so infected, is not in a stage which is communicable, but if
34 such infection is communicable, no such certificate shall be
35 issued.

36 If such physician, in making such examination discovers that
37 evidence that a woman is susceptible to rubella he shall inform
38 both parties to the intended marriage of the possibility of
39 congenital damage to an unborn child unless the woman is
40 immunized. The physician shall also certify on forms provided by
41 the department that the woman applicant named therein has
42 been given an examination to determine her susceptibility to
43 rubella, including a serological test for that disease, and that in
44 the event she is not immunized, and of child bearing age, the
45 physician has advised her of the danger to unborn children, the
46 availability of immunization, and the danger of administering the
47 vaccine to a woman who is pregnant or shortly thereafter
48 becomes pregnant.

49 Blank forms of medical certificates required under this section
50 shall be furnished to city and town clerks and others by said
51 department of public health, and all entries shall be made on said
52 forms, except as hereinafter provided.

53 Medical certificates issued by the department of health of any
54 other state or territory in the United States, District of
55 Columbia, and Canada shall be deemed acceptable provided that
56 they are signed by a qualified physician licensed and practicing in

57 the areas mentioned, and certifying that on the basis of a
58 physical examination and serological tests performed and a
59 laboratory acceptable to the department of public health of the
60 commonwealth, the person therein named does not have syphilis,
61 or if so, infected is not in a stage which is communicable; and is
62 not susceptible to rubella, or if so susceptible, has been advised
63 of the danger to unborn children, the availability of immuniza-
64 tion and the danger of administering the vaccine to a woman who
65 is pregnant or shortly thereafter becomes pregnant. The name of
66 the laboratory performing the tests shall appear upon the medical
67 certificate.

68 The clerk or registrar receiving such medical certificates in the
69 case of an intended marriage shall endorse on the certificate to be
70 issued by him under section twenty-eight in relation to the
71 marriage a statement that such medical certificates have been
72 received.

73 In emergency cases where the death of either party to the
74 intended marriage is imminent, or where the female is near the
75 termination of her pregnancy, upon the authoritative request of a
76 minister, clergyman, priest, rabbi, or attending physician, the
77 clerk or registrar may issue a certificate under section twenty-
78 eight without having received the medical certificate, or having
79 endorsed on his certificate a statement of such receipt, as
80 provided by this section.

81 Whoever, being subject to the laws of the commonwealth, fails
82 to comply with any provision of this section shall be punished by
83 a fine of not less than ten nor more than one hundred dollars.

