

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 733

By: Sykes

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5
6 AS INTRODUCED

7 An Act relating to screenings for infectious or
8 communicable diseases; amending 43 O.S. 2011, Section
9 5, as amended by Section 1, Chapter 192, O.S.L. 2013
10 (43 O.S. Supp. 2014, Section 5), which relates to
11 issuance of marriage licenses; directing State Board
of Health to require certain tests; requiring
12 submission of certain documents prior to issuance of
13 marriage licenses; directing State Board of Health to
promulgate rules; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 43 O.S. 2011, Section 5, as
16 amended by Section 1, Chapter 192, O.S.L. 2013 (43 O.S. Supp. 2014,
17 Section 5), is amended to read as follows:

18 Section 5. A. Persons desiring to be married in this state
19 shall submit an application in writing signed and sworn to in person
20 before the clerk of the district court by both of the parties
21 setting forth:

- 22 1. The place of residence of each party;
23 2. The full legal name and the age of each party as they appear
24 upon or are calculable from a certified copy of the birth

1 certificate, the current driver license or identification card, the
2 current passport or visa, or any other certificate, license or
3 document issued by or existing pursuant to the laws of any nation or
4 of any state, or political subdivision thereof, accepted as proof of
5 identity and age;

6 3. For each party, the full name by which the party will be
7 known after the marriage, which shall become the full legal name of
8 the party upon the filing of the marriage license and certificate
9 with the court, as required by law; provided, however, a marriage
10 certificate issued prior to June 8, 2006, shall be reissued upon
11 request by the certificate holder to include the information
12 required by this paragraph. Such reissued certificate shall reflect
13 the original marriage date and shall be signed by the court clerk.
14 Signatures of the officiant and original witnesses shall not be
15 required;

16 4. That the parties are not disqualified from or incapable of
17 entering into the marriage relation; and

18 5. Whether the parties have successfully completed a premarital
19 counseling program.

20 B. The State Board of Health shall require a blood test for the
21 discovery of syphilis and other communicable or infectious diseases
22 prior to the issuance of a marriage license. Persons seeking to
23 obtain a marriage license shall first file with the court clerk a
24 certificate or affidavit from a duly-licensed physician, licensed to

1 practice within this state, stating that each party has been given a
2 blood test, as may be necessary for the discovery of syphilis and
3 other communicable or infectious diseases, made not more than thirty
4 (30) days prior to the date of such application to obtain a marriage
5 license and that, in the opinion of the physician, the persons named
6 therein are not infected with syphilis or other communicable or
7 infectious diseases or, if infected, that such diseases are not in a
8 stage which may be communicable to the marriage partner.

9 C. The State Board of Health shall promulgate rules to
10 implement the provisions of this subsection including, but not
11 limited to, the designation of communicable or infectious diseases,
12 in addition to syphilis, for which the blood test shall be conducted
13 pursuant to subsection B of this section.

14 ~~B.~~ D. 1. Upon application pursuant to this section and the
15 payment of fees as provided in Section 31 of Title 28 of the
16 Oklahoma Statutes, if the clerk of the district court is satisfied
17 of the truth and sufficiency of the application and that there is no
18 legal impediment to such marriage, the court clerk shall issue the
19 marriage license authorizing the marriage and a marriage
20 certificate, which shall be incorporated as one document. As
21 required by law, the marriage certificate shall be completed
22 immediately following the marriage, and the marriage license and
23 certificate shall be returned to the court clerk.

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1 2. Parties to be married and who present a certificate to the
2 clerk of the district court that states the parties have completed
3 the premarital counseling program pursuant to Section 5.1 of this
4 title shall be entitled to pay a reduced fee for a marriage license
5 in an amount provided in Section 31 of Title 28 of the Oklahoma
6 Statutes.

7 ~~C.~~ E. In the event that one or both of the parties are under
8 legal age, the application shall have been on file in the court
9 clerk's office for a period of not less than seventy-two (72) hours
10 prior to issuance of the marriage license.

11 ~~D.~~ F. The marriage license shall be valid in any county within
12 the state.

13 ~~E.~~ G. The provisions hereof are mandatory and not directory
14 except under the circumstances set out in the provisions of Section
15 3 of this title.

16 SECTION 2. This act shall become effective November 1, 2015.

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