

37:1-20 to 37:1-26

**LEGISLATIVE HISTORY CHECKLIST**

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(Syphilis<sup>17</sup>testing)

NJSA: 37:1-20 to 37:1-26

LAWS OF: 1997 CHAPTER: 230

BILL NO: A1982

SPONSOR(S): Vandervalk & Murphy

DATE INTRODUCED: May 6, 1996

COMMITTEE: ASSEMBLY: Health

SENATE: Health

AMENDED DURING PASSAGE: Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 26, 1997

SENATE: June 19, 1997

DATE OF APPROVAL: August 25, 1997

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:  
REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1997, CHAPTER 230, *approved August 25, 1997*  
Assembly, No. 1982 (*First Reprint*)

1 AN ACT <sup>1</sup>[to eliminate the requirement for a blood test] concerning  
2 testing<sup>1</sup> for syphilis <sup>1</sup>[prior to marriage], amending P.L.1938, c.41<sup>1</sup>  
3 and repealing P.L.1938, c.126.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 <sup>1</sup>1. Section 1 of P.L.1938, c.41 (C.26:4-49.1) is amended to read  
9 as follows:

10 1. Every physician attending pregnant women in the State for  
11 conditions relating to their pregnancy during the period of gestation  
12 and/or at delivery shall, in the case of every woman so attended, take  
13 or cause to be taken a sample of blood of such woman at the time of  
14 first examination and take or cause to be taken a sample of blood of  
15 the woman or from the umbilical cord of the infant at the time of  
16 delivery of a live infant, and shall submit such sample to an approved  
17 laboratory for a standard serological test for syphilis. Every other  
18 person permitted by law to attend pregnant women in the State, but  
19 not permitted by law to take blood samples, shall cause a sample of  
20 blood of such pregnant women or postpartum woman or infant, as the  
21 case may be, to be taken by a physician duly licensed to practice  
22 medicine and surgery and have such sample submitted to an approved  
23 laboratory for a standard serological test for syphilis.<sup>1</sup>  
24 (P.L.1938, c.41, s.1).

25  
26 <sup>1</sup>2. Section 3 of P.L.1938, c.41 (C.26:4-49.3) is amended to read  
27 as follows:

28 3. In reporting every birth and stillbirth, physicians and others  
29 required to make such reports shall state on the certificate whether a  
30 blood test for syphilis has been made upon a specimen of blood taken  
31 from the woman who bore the child or from the umbilical cord of the

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SHH committee amendments adopted March 20, 1997.

1 infant for which a birth or stillbirth certificate is filed and the  
2 **[approximate]** date when the specimen was taken.<sup>1</sup>  
3 (P.L.1938, c. 41, s. 3).

4

5 <sup>1</sup>**[1.] 3.**<sup>1</sup> The following is repealed:  
6 P.L.1938, c.126 (C.37:1-20 to C.37:1-26).

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8 <sup>1</sup>**[2.] 4.**<sup>1</sup> This act shall take effect immediately.

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13 \_\_\_\_\_  
14 Requires test for syphilis upon birth of child and repeals law requiring  
test for syphilis prior to obtaining marriage license.

ASSEMBLY, No. 1982

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblywomen VANDERVALK and MURPHY

1 AN ACT to eliminate the requirement for a blood test for syphilis prior  
2 to marriage and repealing P.L.1938, c.126.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The following is repealed:  
8 P.L.1938, c.126 (C.37:1-20 to C.37:1-26).

9

10 2. This act shall take effect immediately.

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STATEMENT

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15 This bill would repeal N.J.S.A.37:1-20 through N.J.S.A.37:1-26  
16 which requires a blood test for syphilis before a couple can obtain a  
17 marriage license. The reasons which support the repeal of these  
18 sections include the fact that syphilis has a three month incubation  
19 period during which time a test can give a false reading. In addition,  
20 the need for the test may be obsolete in that the original purpose was  
21 to protect an unborn child, and current law requires a syphilis test on  
22 every pregnant mother.

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27 Repeals statutes requiring blood test for syphilis prior to obtaining a  
28 marriage license.

[First Reprint]  
ASSEMBLY, No. 1982

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblywomen VANDERVALK and MURPHY

1 AN ACT <sup>1</sup>[to eliminate the requirement for a blood test] concerning  
2 testing<sup>1</sup> for syphilis <sup>1</sup>[prior to marriage], amending P.L.1938, c.41<sup>1</sup>  
3 and repealing P.L.1938, c.126.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

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8 <sup>1</sup>1. Section 1 of P.L.1938, c.41 (C.26:4-49.1) is amended to read  
9 as follows:

10 1. Every physician attending pregnant women in the State for  
11 conditions relating to their pregnancy during the period of gestation  
12 and/or at delivery shall, in the case of every woman so attended, take  
13 or cause to be taken a sample of blood of such woman at the time of  
14 first examination and take or cause to be taken a sample of blood of  
15 the woman or from the umbilical cord of the infant at the time of  
16 delivery of a live infant, and shall submit such sample to an approved  
17 laboratory for a standard serological test for syphilis. Every other  
18 person permitted by law to attend pregnant women in the State, but  
19 not permitted by law to take blood samples, shall cause a sample of  
20 blood of such pregnant women or postpartum woman or infant, as the  
21 case may be, to be taken by a physician duly licensed to practice  
22 medicine and surgery and have such sample submitted to an approved  
23 laboratory for a standard serological test for syphilis.<sup>1</sup>  
24 (P.L.1938, c.41, s.1).

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26 <sup>1</sup>2. Section 3 of P.L.1938, c.41 (C.26:4-49.3) is amended to read  
27 as follows:

28 3. In reporting every birth and stillbirth, physicians and others  
29 required to make such reports shall state on the certificate whether a  
30 blood test for syphilis has been made upon a specimen of blood taken  
31 from the woman who bore the child or from the umbilical cord of the

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<sup>1</sup> Senate SHH committee amendments adopted March 20, 1997.

1 infant for which a birth or stillbirth certificate is filed and the  
2 **【approximate】** date when the specimen was taken.<sup>1</sup>  
3 (P.L.1938, c. 41, s. 3).

4

5 <sup>1</sup>**【1.】** 3.<sup>1</sup> The following is repealed:  
6 P.L.1938, c.126 (C.37:1-20 to C.37:1-26).

7

8 <sup>1</sup>**【2.】** 4.<sup>1</sup> This act shall take effect immediately.

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13 Requires test for syphilis upon birth of child and repeals law requiring  
14 test for syphilis prior to obtaining marriage license.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1982**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 19, 1996

The Assembly Health Committee reports favorably Assembly Bill No. 1982.

This bill repeals P.L.1938, c.126 (C.37:1-20 through 26), which requires a blood test for syphilis before a couple can obtain a marriage license. The reasons which support the repeal of these sections include the fact that syphilis has a three-month incubation period during which time a test can give a false reading. In addition, the need for the test may be obsolete in that the original purpose was to protect an unborn child, and P.L.1938, c.41 (C.26:4-49.1 et seq.) requires that every pregnant woman be tested for syphilis.

SENATE HEALTH COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1982**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 20, 1997

The Senate Health Committee reports favorably Assembly Bill No. 1982 with committee amendments.

As amended by committee, this bill would require that a woman be tested for syphilis at the time of delivery of a live infant. The bill provides that a sample of blood of the woman or from the umbilical cord of the infant be taken at the time of delivery. Current law provides that a pregnant woman be tested for syphilis at the time of her first medical examination for the pregnancy.

The bill also repeals N.J.S.A.37:1-20 through N.J.S.A.37:1-26 which requires a blood test for syphilis before a couple can obtain a marriage license. The reasons which support the repeal of these sections include the fact that syphilis has a three month incubation period during which time a test can give a false reading.

The provisions of this bill will protect newborn infants from the effects of syphilis and will ensure that infants born with syphilis are diagnosed and treated promptly.

The committee amended the bill to add the requirement that the mother's blood or blood from the infant's umbilical cord be tested for syphilis at the time of delivery of a live infant.