



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

September 7, 1976

ATTORNEY GENERAL OPINION NO. 76-276

The Honorable Darrell D. Meyer
Lyon County Probate Judge
Lyon County Courthouse
Emporia, Kansas 66801

Re: Public Health--Premarital Examinations--Health Officers

Synopsis: The health officer of a joint city-county health board must perform the premarital examinations required under K.S.A. 1975 Supp. 23-301, and issue the necessary certificates, upon request of any applicant for a marriage license in said county.

* * *

Dear Judge Meyer:

K.S.A. 1975 Supp. 23-301 requires that before the probate judge shall issue a marriage license, each applicant must file a certificate stating that the applicant has been given an examination including a standard serological test for the discovery of syphilis, whether the applicant is infected with syphilis or shows symptoms of other venereal disease, and whether if infection exists, whether it is communicable. The provision concludes with the following language:

"Any county or city health officer shall, upon request of any applicant, perform the examination and make the certificate required hereunder, without charge."

The Honorable Darrell D. Meyer
Page Two
September 7, 1976

You advise that in Lyon County, a joint city-county health board has been organized by Lyon County and the City of Emporia. Concerning such joint boards, K.S.A. 65-205 provides in pertinent part thus:

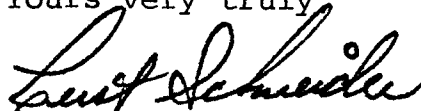
"Upon the creation of any such joint board of health all the jurisdiction, powers and duties now conferred by law upon any local, municipal or county board of health shall be withdrawn from such local, municipal or county board of health and conferred upon the joint board of health"

At the present time, you advise, the joint city-county health board consists of two divisions, a sanitation division and a division of nursing. A physician acts as local health officer, basically in an advisory capacity.

The question you pose is whether it is a responsibility of the joint Board of Health to conduct premarital examinations required by K.S.A. 1975 Supp. 23-301 upon request, and to provide the necessary certificate.

The language of the statute is clear and unambiguous. The county health officer is required by law to make such examinations upon the request of any applicant, and to issue the required certificate respecting that examination, without charge. The health officer appointed by the joint city-county health board succeeds to all the rights, privileges and responsibilities of the health officer appointed by a separate city or county health board, and in that capacity, must make the required examinations and execute the necessary certificates when requested to do so by license applicants.

Yours very truly



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj