

MARRIAGE: Eleemosynary Institution laboratories are not approved by the State Board of Health to permit them to make blood tests under section 3364A.

January 20, 1944



1-27
Honorable Ira. A. Jones, President
State Eleemosynary Institutions
Jefferson City, Missouri

Dear Sir:

This department is in receipt of your letter of January 17, 1944, wherein you make the following inquiry:

"Under the new pre-marital law, requiring Wasserman, Kahn and Kline tests to be made, our laboratories have been asked to make such tests, and we have refused to do so.

"Now the question comes up as to whether we will make them for our own employees. A part of our service to our employees is medical care. When an employee first comes to work, we make such tests, for our own records.

"Is it lawful for us to make these tests as pre-marital tests, and make the required certification, when the person involved is our employee, if such persons expect to remain in our employ, after being married; if such person does not expect to remain in our employment. Have we the right to make these tests and can we certify to them, under this new law?"

Section 3364A, Laws of Missouri, 1943, provides in part as follows:

"Laboratory tests shall be made free of charge by the Laboratory of the State Board of Health, or by such other public health laboratories wherever maintained in the State of Missouri, upon the request of a physician or by an applicant.

"For the purpose of this act, 'laboratory' shall mean any private or public health laboratory duly approved by the State Board of Health of Missouri, or by the State Board of Health of any other state of the United States, or by the United States Public Health Service."

It will be noted that the report of the blood test is acceptable only when made by laboratories duly approved by the State Board of Health of this state or any other state of the United States, or by the United States Public Health Service. In accordance with our telephone conversation of this date, it is our understanding that whatever laboratory facilities you have are not approved by any of these boards. Since your laboratories are not so approved, you should make no blood tests under the pre-marital law.

CONCLUSION

It is our opinion that the board of managers should not allow laboratories of the State Eleemosynary Institutions to make blood tests for the purposes specified in section 3364A.

Respectfully submitted,

RALPH C. LASHLY
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

RCL:ML