

**A BILL FOR
A LAW TO PROVIDE FOR FREE MEDICAL EXAMINATION
BEFORE MARRIAGE IN KADUNA STATE**

Date of Commencement

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BE IT ENACTED by the House of Assembly of Kaduna State as follows:

Enactment

1. This Law is cited as the Kaduna State Pre-Marital (Medical Examination) Enforcement Law, 2016.

Short Title

2. This Law comes into operation on the day of 2016.

Commencement

3. In this Law, unless the context otherwise requires:

Interpretation

"AIDS" (Acquired Immune Deficiency Syndrome) means a clinical condition characterized by a combination of sign and symptom resulting from suppression of the immune system caused by infection with the Human Immune Deficiency Virus (HIV);

"Agency" means State Agency for the Control of HIV/AIDS;

"Court" includes Magistrate Court or any other Court in the State;

"Government" means Kaduna State Government;

"HIV" means Human Immune Deficiency Virus that leads to AIDS;

"Health Facility" includes any Government Hospital, Clinic, Nursing Home, Maternity Centre or other specialized establishments howsoever called, as well as Government Units of the same nature;

"Medical Examination" means the application of medical or clinical professional techniques to determine the status of HIV/AIDS infection in samples of blood or other fluid or tissue from a human body;

"Medical Practitioner" means any individual accredited, licensed and or registered as a health professional upon meeting the specified requirements;

"State" means Kaduna State of Nigeria;

4. (1) All persons intending to marry shall submit themselves to Medical Examination before the conduct of the marriage.
- (2) Any married person intending to marry again shall submit themselves for Medical Examination.
- (3) The Medical Examination referred to shall be conducted twice;
 - (a) three (3) month before the marriage; and
 - (b) to be repeated two (2) weeks to the marriage.
- (4) The Medical Examination shall be conducted simultaneously for both parties in an approved Health facility and the Medical Result shall be open to them by a Counselor.
- (5) The Medical Result shall be signed by a qualified Medical Practitioner stating his full names, qualifications and place of work.

Submission to Medical Examination Before Marriage

Conduct of Medical Examination Before Marriage

(6) The Medical Result shall be kept confidential and only to be handed over to the person who is to conduct the marriage contract in the presence of witnesses.

(7) No person shall formalize any marriage contract for any person wishing to marry without Medical Certificate issued by a qualified Medical Practitioner in respect of both parties.

Prohibition of Marriage Without Medical certificate

5. (1) Any person who contravenes any of the provisions of this Law commits an offence and shall on conviction be liable to a fine of not less than Fifty Thousand Naira (N50,000.00) or imprisonment of not less than three (3) months or both.

Offences and Punishments

(2) Any Health Facility, Health Worker or any other person who willfully issues a false result or assists in the issuance of same commits an offence and shall be liable on conviction to a fine of One Hundred Thousand Naira (N100,000.00) or imprisonment of not less than three years or both.

6. (1) It shall be the function of State Agency for the control of HIV/AIDS to monitor, ensure and enforce compliance with the provisions of this law throughout the state with various Local Action Committees on AIDS at local government levels.

Responsibilities

(2) It shall be the duty of Local Action Committee on AIDS in each Local Government to monitor, ensure and enforce compliance with the provisions of this Law within the Local Government Area and to provide monthly progress report to the agency.

(3) There shall be a Ward Action Committee on AIDS at each Ward in the State consisting of the following members:

- (a) Ward Heads;
- (b) Imams;
- (c) Hisbah representatives;
- (d) Youth Organizations representatives;
- (e) Health Workers in the Ward;
- (f) Women representatives; and
- (g) such other persons as may be appointed in the Committee by the Agency for proper enforcement of the provisions of this Law.

(4) Government shall ensure adequate provisions of health equipments required for the purpose of this law in all health facilities across the State.

(5) Government through appropriate agencies and bodies shall raise awareness throughout the state regarding the provisions of this Law.

DATED AT KADUNA this day of 2016.

Malam Nasir Ahmad el-Rufa'i
Governor, Kaduna State.

EXPLANATORY NOTE

(This note does not form part of this Law and has no legal effect)