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SENATE BILL 495

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Dianna J. Duran

AN ACT

RELATING TO MARRIAGE; ELIMINATING THE REQUIREMENT FOR PHYSICIAN EXAMINATION PRIOR TO MARRIAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 40-1-11 NMSA 1978 (being Laws 1957, Chapter 33, Section 1, as amended) is amended to read:

"40-1-11. [~~CERTIFICATE REQUIRED~~] LICENSE FEE. - -

~~[A. Before any county clerk issues any marriage license, each applicant for a marriage license shall file with the county clerk a certificate from a physician licensed to practice medicine, which certificate shall state that the applicant has had those tests and examinations as required by regulation of the health and environment department. Such tests and examinations shall be made not more than thirty days prior to the date of application for license. The certificate~~

underscored material = new
[bracketed material] = delete

1 ~~shall state that medical evaluation or that treatment, as~~
2 ~~indicated, has been made such that there is no bar to marriage,~~
3 ~~as specified by the regulations of the health and environment~~
4 ~~department.~~

5 ~~B. The certificate of the physician shall be on a~~
6 ~~form to be provided and distributed by the health services~~
7 ~~division to all officers authorized to issue marriage licenses~~
8 ~~and to all physicians within the state.~~

9 ~~C.]~~ A. The secretary of health [~~and environment~~]
10 shall make rules [~~and regulations~~] and employ personnel
11 necessary to effectuate the purposes of Sections 40-1-11
12 through 40-1-13 NMSA 1978. [~~If regulations require a~~
13 ~~laboratory test, it shall be done in a laboratory approved by~~
14 ~~the secretary of health and environment.~~

15 ~~D. A county clerk shall accept, in lieu of the~~
16 ~~physician's certificate, a certificate from any other state~~
17 ~~having premarital laws, if issued within the time limits~~
18 ~~prescribed in Subsection A of this section and if such laws~~
19 ~~meet the regulations of the secretary of health and~~
20 ~~environment.~~

21 ~~E.]~~ B. The county clerk shall receive a fee of
22 twenty-five dollars (\$25.00) for issuing, acknowledging and
23 recording a marriage license [~~and marriage certificate~~].
24 Fifteen dollars (\$15.00) of each fee shall be remitted by the
25 county treasurer to the state treasurer, within fifteen days of

. 153332. 1

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the last day of each month, for credit to the children's trust
fund. "