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FISCAL IMPACT REPORT

ORIGINAL DATE 1/24/06

SPONSOR Komadina LAST UPDATED _____ HB _____

SHORT TITLE Eliminate Physical Certification for Marriage SB 51

ANALYST Lewis

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)
 Clerks' Affiliate, Association of Counties (CAAC)
 Department of Finance and Administration (DFA)

SUMMARY

Synopsis of Bill

Senate Bill 51 eliminates the requirement (in Sec. 40-1-1 NMSA 1978) that an applicant for a marriage license file a physician's certification that the individual has had those tests and examinations required by regulation and that there is no medical bar to marriage.

SIGNIFICANT ISSUES

SB51 would bring the law into alignment with current Department of Health (DOH) regulations. DOH eliminated the requirement for syphilis testing prior to obtaining a marriage license in 1994. And, according to the DOH, requiring proof of a physician's examination at time of marriage license request is not a current practice at county clerk offices around the state.

The DOH states that no data suggest that a physical examination for syphilis prior to marriage provides any gain to the public health of New Mexicans. The screening of high-risk populations has proven to be a more efficient and cost effective intervention than that of this mass screening method required by law for a marriage license.

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The Clerks' Affiliate of the Association of Counties confirms that this bill represents nothing more than an appropriate clean-up of the law, as the licensing requirement has been ignored by the county clerks ever since the DOH eliminated the testing requirement in 1994.

ML/mt