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SENATE BILL 304

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY
Mark Boitano

AN ACT

RELATING TO DOMESTIC AFFAIRS; WAIVING THE FEE FOR OBTAINING A
MARRIAGE LICENSE FOR THOSE WHO COMPLETE PREMARITAL COUNSELING.

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.--

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 of
health. Such tests and examinations shall be made not more
than thirty days prior to the date of application for license.

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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

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

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

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

22 E. Except as provided in Subsection F of this
23 section, the county clerk shall receive a fee of twenty-five
24 dollars (\$25.00) for issuing, acknowledging and recording a
25 marriage license and marriage certificate. Fifteen dollars

.175293.1

underscored material = new
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1 (\$15.00) of each fee shall be remitted by the county treasurer
2 to the state treasurer, within fifteen days of the last day of
3 each month, for credit to the children's trust fund.

4 F. The county clerk shall waive the entirety of a
5 fee for issuing, acknowledging and recording a marriage license
6 and marriage certificate on presentation of proof that the
7 applicant has completed no less than six hours of premarital
8 counseling or relationship training or education. The
9 counseling shall be in no less than three separate sessions and
10 shall be conducted by one or more of the following:

11 (1) a licensed marriage and family therapist;

12 (2) a licensed psychiatrist or a licensed
13 psychologist;

14 (3) a licensed professional clinical mental
15 health counselor;

16 (4) a licensed independent social worker;

17 (5) an official representative of a religious
18 institution or the representative's designee; or

19 (6) a marriage educator."