

ASSEMBLY, No. 3964

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 1, 2020

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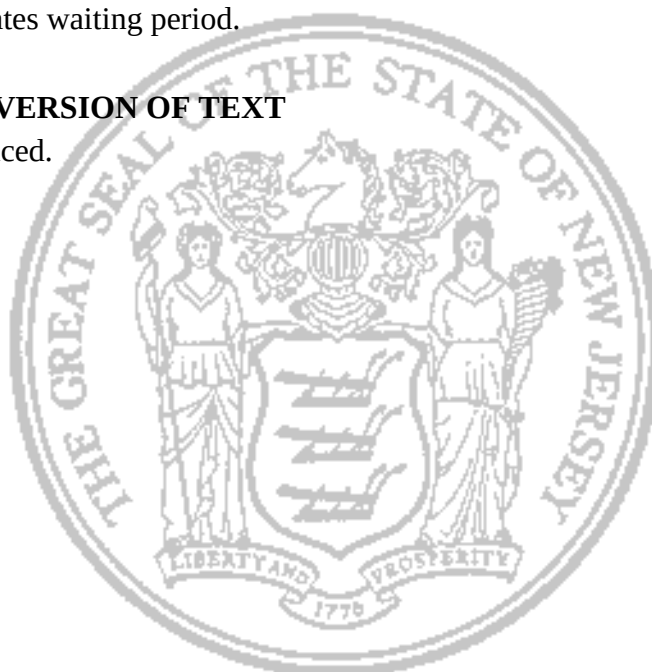
Assemblyman Holley

SYNOPSIS

Permits remote application for marriage and civil union license for patients with certain life-threatening symptoms during period of Executive Order 103 of 2020; eliminates waiting period.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning obtaining certain marriage and civil union
2 licenses during the public health emergency and state of
3 emergency declared by the Governor in Executive Order 103 of
4 2020.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. a. Notwithstanding the provisions of any law or regulation
10 to the contrary, during the public health emergency and state of
11 emergency declared by the Governor in Executive Order 103 of
12 2020, contracting parties intending to be married or to enter into a
13 civil union, at least one of whom has life-threatening symptoms as
14 defined in subsection f., may obtain a marriage or civil union
15 license pursuant to subsection c. of this section. The license shall
16 be delivered to the person who is to officiate.

17 b. A licensing officer may issue marriage or civil union licenses
18 to contracting parties who apply therefor by mailing the application
19 or applying by electronic means, including but not limited to,
20 through emailing the application.

21 c. During the public health emergency and state of emergency
22 declared by the Governor in Executive Order 103 of 2020, when
23 one of the contracting parties to the marriage or civil union is a
24 person who has life-threatening symptoms as defined in subsection
25 f., the marriage or civil union license applicants may apply for
26 licensure for that marriage or civil union by completing the New
27 Jersey Department of Health application for license, including the
28 signature portion for the applicants and identifying witness, and
29 mailing or emailing the application to the appropriate licensing
30 officer with a Doctor's Certification for Waiver from Marriage
31 Waiting Period as set forth in subsection f. of this section. No
32 applicant or identifying witness to the application shall be required
33 to appear before the licensing officer. It shall be the responsibility
34 of the applicants to thereafter contact the appropriate licensing
35 officer, by means of electronic or other communication including
36 but not limited to telephonic communication, to complete the
37 application process.

38 d. The licensing officer shall, before issuing a marriage or civil
39 union license, require the parties to submit a completed form
40 supplied by the State registrar. The parties shall, by means of
41 electronic or other communication including but not limited to
42 telephonic communication, subscribe and swear to an oath attesting
43 the truth of the facts respecting the legality of the proposed
44 marriage or civil union as set forth in the form supplied by the State
45 registrar. Said testimony shall be verified by a witness of legal age
46 who is in the presence of the contracting parties. A licensing
47 officer shall issue a license only if it is thus made to appear that no
48 legal impediment to the marriage or civil union exists. Every

1 licensing officer may administer oaths to the contracting parties.
2 Any witness or applicant applying for a marriage or civil union
3 license who shall knowingly make false answers to any of the
4 inquiries from the licensing officer shall be guilty of perjury.

5 e. There shall be no required delay in the issuance of a
6 marriage or civil union license in cases involving a person who is
7 diagnosed with life threatening symptoms as defined in subsection
8 f. who has completed the application process. There shall be no 72-
9 hour waiting period or need for a court waiver as provided in
10 R.S.37:1-4.

11 f. The licensing officer shall attach to the completed
12 application a certification from the treating physician which shall be
13 in substantially the following form:

14

15 Doctor's Certification for Waiver from Marriage Waiting Period

16 1. I am a licensed physician in the State of New Jersey.

17 2. I am the current treating physician for the applicant seeking
18 a waiver of the 72-hour waiting period for a marriage or civil union
19 license.

20 3. As such, I am fully familiar with the applicant's current
21 medical condition and current prognosis.

22 4. He/she presents with life-threatening symptoms that likely
23 will persist, if not worsen, in the coming hours.

24 5. In my experience, other patients with similar symptoms
25 passed away shortly after developing those conditions.

26 6. In my medical opinion, the applicant's condition constitutes
27 a medical emergency, and the symptoms indicate that the applicant
28 may not survive the 72-hour waiting period.

29 7. I certify that all of the foregoing is true to the best of my
30 ability and am aware that if any of the above statements made by
31 me are willfully false, I am subject to punishment.

32

33 Date:

By:

34 _____
35

36 g. A marriage or civil union license, when properly issued as
37 provided in this section, shall be valid only for 30 days after the
38 date of the issuance thereof.

39

40 2. The Commissioner of Health shall establish guidelines to
41 effectuate the purposes of this act.

42

43 3. This act shall take effect immediately and shall expire upon
44 the rescission of Executive Order 103 by the Governor.

STATEMENT

During the period of the public health emergency and state of emergency declared by the Governor in Executive Order 103 of 2020, this bill would permit parties intending to be married or enter into a civil union to mail or email a completed application for a marriage or civil union license to the appropriate licensing officer when at least one of the parties is diagnosed with life-threatening symptoms as described in the bill. The bill would further permit a licensing officer to issue marriage or civil union licenses to contracting parties upon the completion of electronic or other communication including but not limited to telephonic communication, during which the parties shall subscribe and swear to an oath attesting the truth of the facts respecting the legality of the proposed marriage or civil union as set forth in the form supplied by the State registrar. The testimony shall be verified by a witness of legal age who is in the presence of the contracting parties.

Under the bill, the licensing officer shall issue the license only if it is made to appear that no legal impediment to the marriage or civil union exists, and every licensing officer is permitted to administer oaths to the contracting parties. Any witness or applicant applying for a marriage or civil union license who shall knowingly make false answers to any of the inquiries from the licensing officer shall be guilty of perjury.

The bill directs that there shall be no required delay in the issuance of a marriage or civil union license in cases involving a person with life-threatening symptoms who has completed the application for license process. The bill includes a doctor's certification which would be completed and attached to the application.

The bill would expire upon the rescission of Executive Order 103 by the Governor.