[First Reprint]

ASSEMBLY, No. 3964

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 1, 2020

Sponsored by:
Assemblywoman ANNETTE QUIJANO
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Assemblyman CRAIG J. COUGHLIN
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Assemblywoman VERLINA REYNOLDS-JACKSON
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District 37 (Bergen)

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Assemblyman Holley, Assemblywoman Pinkin, Assemblyman Chiaravalloti, Assemblywomen Lopez, Speight, DiMaso and Assemblyman Mejia

SYNOPSIS

Permits remote application for marriage and civil union license during period of Executive Order 103 of 2020; eliminates waiting period.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on May 4, 2020, with amendments.

(Sponsorship Updated As Of: 5/14/2020)

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

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

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

b. A licensing officer may issue marriage or civil union licenses to contracting parties who apply therefor by [1]hand delivering or by[1] mailing the application[1] **[** or applying by electronic means,**]**[1] including but not limited to, through emailing the application.

c. During the public health emergency and state of emergency declared by the Governor in Executive Order 103 of 2020, [1]**[**when one of the contracting parties to the marriage or civil union is a person who has life-threatening symptoms as defined in subsection f.,**]**[1] the marriage or civil union license applicants may apply for licensure for that marriage or civil union by completing the New Jersey Department of Health application for license, including the signature portion for the applicants and identifying witness, and mailing[1],[1] [1]**[**or**]**[1] emailing[1], faxing or otherwise transmitting[1] the application to the appropriate licensing officer [1]**[**with a Doctor's Certification for Waiver from Marriage Waiting Period as set forth in subsection f. of this section**]**[1]. No applicant or identifying witness to the application shall be required to appear [1]in person[1] before the licensing officer. It shall be the responsibility of the applicants to thereafter contact the appropriate licensing officer, by [1]audio-visual[1] means [1]**[**of electronic or other communication including but not limited to telephonic communication**]**[1], to complete the application process.

d. The licensing officer shall, before issuing a marriage or civil union license, require the parties to submit a completed form supplied by the State registrar. The parties shall [1]either in person or[1] by means of [1]**[**electronic or other communication including but not limited to telephonic communication**]** audio-visual technology[1],

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Assembly AAP committee amendments adopted May 4, 2020.

subscribe and swear to an oath [1]**[**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**]** administered by a licensing officer[1] 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. Said testimony shall be verified by a witness of legal age who is in the presence[1], either physically or by virtue of audio-visual technology,[1] of the contracting parties [1]and the licensing officer[1]. A licensing officer shall issue a license only if it is thus made to appear that no legal impediment to the marriage or civil union exists. Every licensing officer may 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.

e. [1]**[**There shall be no required delay in the issuance of a marriage or civil union license in cases involving a person who is diagnosed with life threatening symptoms as defined in subsection f. who has completed the application process. **]**[1]There shall be no 72-hour waiting period or need for a court waiver as provided in R.S.37:1-4 [1]in the issuance of a marriage or civil union license pursuant to P.L. , c. (C.) (pending before the Legislature as this bill)[1].

f. [1]**[**The licensing officer shall attach to the completed application a certification from the treating physician which shall be in substantially the following form:

Doctor's Certification for Waiver from Marriage Waiting Period

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

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

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

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

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

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

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

Date: By:

_____ **]** Any application and solemnization for

the witness, officiant, couple and licensing office may occur utilizing audio-visual technology as defined by the Department of Health. In the case of solemnization utilizing audio-visual technology, the officiant, witness, and the contracting parties shall affirm that they are physically situated in the State, though they are not required to be situated in the same municipality. The officiant shall identify the municipality and address where he or she is physically situated and denote that municipality and address as the place of marriage or civil union on the certificate.[1]

g. [1]The fees imposed by R.S.37:1-12 and section 1 of P.L.1981, c.382 (C.37:1-12.1) for the issuance of a marriage or civil union license shall be waived if the contracting parties seek a second license, mirroring the original license, due to the expiration of the original.[1]

[1]h.[1] A marriage or civil union license, when properly issued as provided in this section, shall be valid only for [1]**[**30**]** 90[1] days after the date of the issuance thereof.

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

[1]3. Nothing in this act shall be construed to prohibit physical, in-person marriage or civil union licensing or solemnizations provided they are consistent with the enhanced social distancing and mitigation practices detailed in this State's Executive Orders, including but not limited to Executive Order No. 107 (2020).[1]

[1]**[**3.**]** 4.[1] This act shall take effect immediately and shall expire upon the rescission of Executive Order 103 by the Governor.