
By: Delegates Montague and Pitkin

Introduced and read first time: February 14, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Premarriage Education - Waiting Period**

3 FOR the purpose of altering the amount of time before the clerk may deliver a marriage
4 license after the application is made; providing that a license may be delivered
5 before the waiting period if the couple provides proof of premarriage education;
6 providing certain other exceptions to the waiting period; requiring the Department
7 of Health and Mental Hygiene and the clerk of the court to provide certain
8 information; defining a term; and generally relating to premarriage education.

9 BY repealing and reenacting, with amendments,
10 Article - Family Law
11 Section 2-101 and 2-405
12 Annotated Code of Maryland
13 (1991 Replacement Volume and 1996 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Family Law**

17 2-101.

18 (a) In this title the following words have the meanings indicated.

19 (b) "Authorized official" means an individual authorized by the laws of this State
20 to perform a marriage ceremony.

21 (c) "Clerk" means a clerk of the circuit court for a county.

22 (d) "License" means a license to marry issued in this State.

23 (E) (1) "PREMARRIAGE EDUCATION COURSE" MEANS A MINIMUM OF 4
24 HOURS OF COURSES, SEMINARS, WORKSHOPS, PROGRAMS, AND COUNSELING TO
25 PREPARE A COUPLE FOR MARRIAGE.

26 (2) A "PREMARRIAGE EDUCATION" COURSE INCLUDES:

27 (I) COMMUNICATION SKILLS;

28 (II) FAMILY FINANCIAL PLANNING;

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1 (III) CONFLICT RESOLUTION; AND

2 (IV) GENDER ROLES AND EXPECTATIONS.

3 2-405.

4 (a) The clerk for the county in which a marriage ceremony is to be performed may
5 issue a license.

6 (b) A license may be issued only at the office of the clerk during regular office
7 hours.

8 (c) (1) If either party to be married is known to be of an age where the parental
9 or guardian's consent and oath, or the licensed physician's certificate, required by § 2-301
10 of this title, is required, the clerk shall obtain the consent and oath or the certificate
11 before issuing the license.

12 (2) (i) The clerk's record required under this title shall include:

13 1. the consent and oath required by § 2-301 of this title, if
14 written; or

15 2. the fact that consent was given and an oath was made, if
16 given and made in person.

17 (ii) The licensed physician's certificate required by § 2-301 of this title
18 may not be made a part of the clerk's record.

19 (3) After an individual has been issued a license in accordance with the
20 provisions of this subtitle, the clerk who issued the license shall seal the licensed
21 physician's certificate. Except on order of the court, the licensed physician's certificate
22 shall remain sealed.

23 (d) Except as provided in subsection (e) of this section, the clerk may not deliver
24 a license until [48 hours] 60 DAYS after the time an application is made or a notarized
25 application is received.

26 (e) For good cause shown, a judge of the circuit court for the county in which the
27 application is made may sign an authorization for the clerk to deliver a license before the
28 [48-hour] 60-DAY waiting period expires if [1 of the parties to be married is]:

29 (1) [a resident of this State; or] THE PARTIES TO BE MARRIED SUBMIT
30 TO THE CLERK A CERTIFICATE OF COMPLETION VERIFYING THAT THE PARTIES
31 HAVE COMPLETED A PREMARRIAGE EDUCATION COURSE;

32 (2) THE CLERK IS GIVEN A CERTIFICATE FROM A LICENSED PHYSICIAN
33 WHICH STATES THAT THE PHYSICIAN HAS EXAMINED THE WOMAN AND THAT SHE IS
34 PREGNANT OR HAS RECENTLY GIVEN BIRTH;

35 [(2)] (3) ONE OF THE PARTIES TO BE MARRIED IS a member of the
36 United States armed forces; OR

37 (4) ONE OF THE PARTIES TO BE MARRIED IS IN DANGER OF IMMINENT
38 DEATH.

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1 (f) If, during the questioning of an applicant for a license, the clerk finds that
2 there is a legal reason why the applicants should not be married, the clerk shall withhold
3 the license unless ordered by the court to issue the license.

4 (g) A license may be delivered personally or by mail to:

5 (1) either of the parties to be married; or

6 (2) any authorized official, if in the application either of the parties to be
7 married authorizes the delivery.

8 (h) (1) The Department of Health and Mental Hygiene shall provide to each
9 clerk:

10 (i) birth control information; [and]

11 (ii) a list of the family planning clinics located in the county where the
12 license is issued; AND

13 (III) INFORMATION REGARDING THE PREMARRIAGE EDUCATION
14 COURSE REQUIREMENT AND A LIST OF PREMARRIAGE EDUCATION COURSES
15 OFFERED IN THE COUNTY.

16 (2) When the clerk [issues a license] RECEIVES AN APPLICATION FOR A
17 LICENSE, the clerk shall make the information and [list] LISTS REQUIRED UNDER THIS
18 SUBSECTION available to each applicant for a license.

19 (i) (1) A clerk may not:

20 (i) predate an application for a license; or

21 (ii) deliver any license before the [48-hour] 60-DAY waiting period
22 expires, unless a judge of the circuit court for the county in which the application is made
23 signs an authorization for the clerk to deliver the license before the waiting period
24 expires.

25 (2) A clerk who violates any provision of this subsection is guilty of a
26 misdemeanor and on conviction is subject:

27 (i) for a first offense, to a fine not exceeding \$100; and

28 (ii) for each subsequent offense, to a fine not exceeding \$500 or
29 imprisonment not exceeding 90 days or both.

30 (j) A clerk may destroy an application if the applicant has not obtained a license
31 within 90 days after applying.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 1997.