

SENATE BILL REPORT

SB 5116

As of February 15, 2025

Title: An act relating to the immediate use of marriage licenses for medical necessity.

Brief Description: Concerning the immediate use of marriage licenses for medical necessity.

Sponsors: Senators Christian, Riccelli, Frame, Krishnadasan, Lovick, Nobles, Shewmake and Wilson, J..

Brief History:

Committee Activity: Law & Justice: 2/17/25.

Brief Summary of Bill

- Waives the waiting period to marry for persons at risk of imminent death or incapacity.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Patrick Moore (786-7535)

Background: County auditors are the officials with authority to issue marriage licenses which allow two people to become legally married. In order to obtain a marriage license, a written application must be submitted to the auditor. County auditors must issue marriage licenses within three days of receiving a valid application. A marriage license cannot be used until three days after they are issued.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): County auditors are required to issue a marriage license at the time an application is received and that license may be used immediately if the following are provided:

- a written statement from a Washington-licensed physician which states that one or

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- both of the marrying persons are at risk of imminent death or incapacity; or
- a written statement from a Washington-licensed geriatrician, neuropsychiatrist, or neuropsychologist that the applicants have sufficient capacity to understand the nature of the marriage contract, duties and responsibilities.

When two persons marry with the three-day waiting period waived in this manner and one later dies, the surviving spouse may not receive benefits of the deceased spouse's estate if consent to the marriage was obtained by force, fraud, duress, undue influence, or during a lack of capacity. Challenges to a surviving spouse's rights are allowed as defenses, objections, or causes of action in legal proceedings.

Appropriation: None.

Fiscal Note: Requested on February 14, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.