

VIRGINIA ACTS OF ASSEMBLY -- 2023 RECONVENED SESSION

CHAPTER 798

An Act to amend and reenact § 55.1-202 of the Code of Virginia and to repeal § 8.01-220.2 of the Code of Virginia, relating to mutual liability for necessities; furnishing of medical care.

[H 2343]

Approved April 12, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-202 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-202. Spouse not responsible for other spouse's contracts, etc.; mutual liability for necessities; exception; responsibility of personal representative.

Except as otherwise provided in this section, a spouse shall not be responsible for the other spouse's contract or tort liability to a third party, whether such liability arose before or after the marriage. The doctrine of necessities as it existed at common law shall apply equally to both spouses, except where they are permanently living separate and apart, but shall in no event create any liability between such spouses as to each other. *For the purposes of this section, liability shall not be imposed upon one spouse for health care furnished to the patient spouse who predeceases the nonpatient spouse.* No lien arising out of a judgment under this section shall attach to the judgment debtors' principal residence held by them as tenants by the entirety or that was held by them as tenants by the entirety prior to the death of either spouse where the tenancy terminated as a result of the death of either spouse.

2. That § 8.01-220.2 of the Code of Virginia is repealed.