

As Passed by the House

**125th General Assembly
Regular Session
2003-2004**

Sub. H. B. No. 272

**Representatives Seitz, McGregor, Calvert, Fessler, Wolpert, Hoops, Clancy,
Schmidt, Willamowski, Schneider, Setzer, Aslanides, Raga, Young, Wagner,
Webster, Buehrer, Daniels, Collier, Hagan, Cates, Schaffer, Gilb, Reidelbach,
Niehaus, Latta, Seaver, Faber, D. Evans, Flowers, Taylor, Grendell, Brinkman,
Blasdel, Distel, C. Evans, Gibbs, Jolivette, Martin, Raussen, Schlichter,
White, Widener**

A B I L L

To amend section 3101.01 of the Revised Code to 1
specifically declare that same-sex marriages are 2
against the strong public policy of the state, to 3
declare that the recognition or extension by the 4
state of the specific statutory benefits of legal 5
marriage to nonmarital relationships is against 6
the public policy of the state, and to make other 7
declarations regarding same-sex marriages. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3101.01 of the Revised Code be 9
amended to read as follows: 10

Sec. 3101.01. (A) Male persons of the age of eighteen years, 11
and female persons of the age of sixteen years, not nearer of kin 12
than second cousins, and not having a husband or wife living, may 13
be joined in marriage. A marriage may only be entered into by one 14
man and one woman. A minor ~~must~~ shall first obtain the consent of 15

the minor's parents, surviving parent, parent who is designated 16
the residential parent and legal custodian of the ~~child~~ minor by a 17
court of competent jurisdiction, guardian, or any one of the 18
following who has been awarded permanent custody of the minor by a 19
court exercising juvenile jurisdiction: 20

~~(A)~~(1) An adult person; 21

~~(B)~~(2) The department of job and family services or any child 22
welfare organization certified by ~~such~~ the department; 23

~~(C)~~(3) A public children services agency. 24

A (B) For the purposes of division (A) of this section, a 25
minor shall not be required to obtain the consent of a parent who 26
resides in a foreign country, has neglected or abandoned ~~such~~ the 27
minor for a period of one year or longer immediately preceding the 28
minor's application for a marriage license, has been adjudged 29
incompetent, is an inmate of a state mental or correctional 30
institution, has been permanently deprived of parental rights and 31
responsibilities for the care of the ~~child~~ minor and the right to 32
have the ~~child~~ minor live with the parent and to be the legal 33
custodian of the ~~child~~ minor by a court exercising juvenile 34
jurisdiction, or has been deprived of parental rights and 35
responsibilities for the care of the ~~child~~ minor and the right to 36
have the ~~child~~ minor live with the parent and to be the legal 37
custodian of the ~~child~~ minor by the appointment of a guardian of 38
the person of the minor by the probate court or by ~~any other~~ 39
another court of competent jurisdiction. 40

(C)(1) Any marriage between persons of the same sex is 41
against the strong public policy of this state. Any marriage 42
between persons of the same sex shall have no legal force or 43
effect in this state and, if attempted to be entered into in this 44
state, is void ab initio and shall not be recognized by this 45
state. 46

(2) Any marriage entered into by persons of the same sex in any other jurisdiction shall be considered and treated in all respects as having no legal force or effect in this state and shall not be recognized by this state. 47
48
49
50

(3) The recognition or extension by the state of the specific statutory benefits of a legal marriage to nonmarital relationships between persons of the same sex or different sexes is against the strong public policy of this state. Any public act, record, or judicial proceeding of this state, as defined in section 9.82 of the Revised Code, that extends the specific statutory benefits of legal marriage to nonmarital relationships between persons of the same sex or different sexes is void ab initio. Nothing in division (C)(3) of this section shall be construed to do either of the following: 51
52
53
54
55
56
57
58
59
60

(a) Prohibit the extension of specific benefits otherwise enjoyed by all persons, married or unmarried, to nonmarital relationships between persons of the same sex or different sexes, including the extension of benefits conferred by any statute that is not expressly limited to married persons; 61
62
63
64
65

(b) Affect the validity of private agreements that are otherwise valid under the laws of this state. 66
67

(4) Any public act, record, or judicial proceeding of any other state, country, or other jurisdiction outside this state that extends the specific benefits of legal marriage to nonmarital relationships between persons of the same sex or different sexes shall be considered and treated in all respects as having no legal force or effect in this state and shall not be recognized by this state. 68
69
70
71
72
73
74

Section 2. That existing section 3101.01 of the Revised Code is hereby repealed. 75
76

Section 3. In enacting new division (C) of section 3101.01 of 77
the Revised Code in this act, all the following apply: 78

(A) The General Assembly declares and reaffirms the state of 79
Ohio's historical commitment to the institution of marriage as a 80
union between a man and a woman as husband and wife. 81

(B) The General Assembly declares its intent to define 82
marriage and clarify that relationships that are intended as 83
substitutes for marriage, including but not limited to "civil 84
unions" as provided for in Vt. Stat. Ann. tit. 15, §1202 (2003), 85
will not be recognized in this state. It is not the intent of the 86
General Assembly to prohibit the extension of specific benefits 87
otherwise enjoyed by all persons, married or unmarried, to 88
relationships between persons of the same sex or different sexes. 89

(C) The General Assembly declares its intent not to make 91
substantive changes in the law of this state that is in effect on 92
the day prior to the effective date of this act with respect to 93
the validity of marriages heretofore occurring within this state. 94