
By: **Senators Colburn and Haines**
Introduced and read first time: February 6, 1998
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: March 24, 1998

CHAPTER_____

1 AN ACT concerning

2 **Same Sex Marriages - Foreign Marriages - Invalidity**

3 FOR the purpose of providing that a marriage between two individuals of the same
4 sex that is validly entered into in another state or in a foreign country is not
5 valid in this State; providing that certain contractual rights or obligations
6 created by a marriage between individuals of the same sex are void; defining
7 "marriage" and "spouse"; altering the definition of a "foreign marriage"; and
8 generally relating to the validity of certain marriages in the State.

9 BY adding to
10 Article - Family Law
11 Section 2-101(e) and (f)
12 Annotated Code of Maryland
13 (1991 Replacement Volume and 1997 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Family Law
16 Section 2-201 and 2-502(a)
17 Annotated Code of Maryland
18 (1991 Replacement Volume and 1997 Supplement)

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

1

Article - Family Law

2 2-101.

3 (E) "MARRIAGE" MEANS A LEGAL UNION BETWEEN A MAN AND A WOMAN AS
4 HUSBAND AND WIFE.

5 (F) "SPOUSE" MEANS A MEMBER OF A LEGAL UNION BETWEEN A MAN AND A
6 WOMAN AS HUSBAND AND WIFE.

7 2-201.

8 (A) Only a marriage between a man and a woman is valid in this State.

9 (B) (1) A MARRIAGE BETWEEN TWO INDIVIDUALS OF THE SAME SEX THAT IS
10 VALIDLY ENTERED INTO IN ANOTHER STATE OR IN A FOREIGN COUNTRY IS NOT
11 VALID IN THIS STATE.

12 (2) A MARRIAGE BETWEEN TWO INDIVIDUALS OF THE SAME SEX MAY
13 NOT BE RECOGNIZED BY THE STATE AS BEING ENTITLED TO THE BENEFITS OF
14 MARRIAGE.

15 (3) ANY CONTRACTUAL RIGHTS OR OBLIGATIONS CREATED BY A
16 MARRIAGE BETWEEN TWO INDIVIDUALS OF THE SAME SEX ARE VOID.

17 2-502.

18 (a) In this section, "foreign marriage" means a marriage ceremony:

19 (1) performed outside this State; [and]

20 (2) BETWEEN A MAN AND A WOMAN; AND

21 [(2)] (3) in which 1 or both of the parties were or are citizens of this
22 State.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1998.