

**Department of Legislative Services**  
Maryland General Assembly  
2001 Session

**FISCAL NOTE**

House Bill 531      (Delegate Greenip)  
Judiciary

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**Family Law - Foreign Marriages - Invalidity**

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This bill provides that a marriage between two individuals of the same sex that is validly entered into in another state or in a foreign country is not valid in Maryland. Any benefits or contractual rights or obligations created by a marriage between two individuals of the same sex are void.

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**Fiscal Summary**

**State Effect:** The bill is not expected to significantly impact governmental operations or finances.

**Local Effect:** None.

**Small Business Effect:** Potential minimal.

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**Analysis**

**Current Law:** Only a marriage between a man and a woman is valid in this State.

**Background:** Vermont is the only state that currently permits civil unions between members of the same sex. The following is a nonexclusive list of legal benefits, protections, and responsibilities of spouses which apply in like manner to parties to a civil union in Vermont:

- laws relating to title, tenure, descent and distribution, intestate succession, waiver of will, survivorship, or other incidents of the acquisition, ownership, or transfer, inter vivos or at death, of real or personal property, including eligibility to hold real and personal property as tenants by the entirety;
- causes of action related to or dependent upon spousal status, including an action for wrongful death, emotional distress, loss of consortium, dramshop, or other torts or actions under contracts reciting, related to, or dependent upon spousal status;
- probate law and procedure, including nonprobate transfer;
- adoption law and procedure;
- group insurance for state employees and continuing care contracts;
- spouse abuse programs;
- prohibitions against discrimination based upon marital status;
- victim's compensation rights;
- workers' compensation benefits;
- laws relating to emergency and non-emergency medical care and treatment, hospital visitation and notification;
- terminal care documents and durable power of attorney for health care execution and revocation;
- family leave benefits;
- public assistance benefits under state law;
- laws relating to taxes imposed by the state or a municipality other than estate taxes;
- laws relating to immunity from compelled testimony and the marital communication privilege;
- the homestead rights of a surviving spouse and homestead property tax allowance;
- laws relating to loans to veterans;
- the definition of family farmer;
- laws relating to the making, revoking, and objecting to anatomical gifts by others;
- state pay for military service;
- application for absentee ballot;
- family landowner rights to fish and hunt;
- legal requirements for assignment of wages; and
- affirmance of relationship.

**State Effect:** State finances could be affected to the extent that people would not be able to claim married status as a result of this bill. For example, the State as creditor could

benefit if a debtor was not able to hold property as tenants by the entirety. In addition, the State as employer could benefit if it is not required to subsidize the health insurance or other benefits of employees' partners because they are not considered to be married. (The State does not currently provide benefits to domestic partners.) The number of people who live in, are employed by, or have dealings with the State who are involved in same sex marriages authorized in another state is unknown, but is assumed to be minimal. As such, any effect that this bill would have on State finances is expected to be minimal.

**Local Effect:** A local government could be affected by this bill in a similar manner as the State to the extent that any members of same sex marriages are debtors of or employed by the governmental unit.

**Small Business Effect:** A small business could be affected by this bill in a similar manner as the State to the extent that any members of same sex marriages are debtors of or employed by the business.

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### **Additional Information**

**Prior Introductions:** This bill was introduced during the 1999 session as HB 1128 and received an unfavorable report by the Judiciary Committee. The bill was also introduced in 1998 as SB 565. That bill passed the Senate but received an unfavorable report from the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader – March 7, 2001  
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