

In Sickness and in Health: Same-Sex Marriage Laws and Sexually Transmitted Infections

Andrew M. Francis, Hugo M. Mialon, and Handie Peng

Appendix: Legal References and Notes (current as of 2012)

ALABAMA

Alabama Code § 30-1-19 (1998)
Alabama Const. art. I, §36.03 (2006)

ALASKA

Alaska Stat. § 25.05.013 (1996)
Alaska Const. art. 1, § 25 (1998)

ARIZONA

Arizona Rev. Stat. Ann. § 25-101 (1996)
Arizona Rev. Stat. Ann. § 25-112 (1996)
Arizona Rev. Stat. Const. art. 30, § 1 (2008)

ARKANSAS

Arkansas Code Ann. § 9-11-208 (1997)
Arkansas Code Ann. § 9-11-107 (1997)
Arkansas Code Ann. § 9-11-109 (1997)
Arkansas Const. 83 § 1-3 (2004)

CALIFORNIA

California Fam. Code § 308.5 (2000)
California Fam. Code § 299.2 (2003)
California Fam. Code § 297.5 (2003)
In re Marriage Cases (Supreme Court, May 15, 2008)
California Const. art. 1, § 7.5 (2008)
Strauss v. Horton (CA Supreme Court, May 26, 2009)

NOTE. In 2008, state court struck down 2000 law. Some marriages occurred. Later that year, constitutional ban was passed. Those marriages were still honored. In 2003, a bill allowing civil unions was passed but became effective in 2005.

COLORADO

Colorado Rev. Stat. § 14-2-104 (2000)
Colorado Const., art. II, §31 (2006)

NOTE. In 2009, CO passed a law giving limited benefits to same-gender couples (Colorado Rev. Stat. § 15-22-101 et seq).

CONNECTICUT

Connecticut Gen. Stat. Ann. § 45a-727a (2000)
Connecticut Gen. Stat. Ann. § 46b-38aa-oo (2005)
Kerrigan v. Comm'r of Pub. Health et al., 289 Conn. 135, 957 A.2d 407 (Conn. Oct. 10, 2008)

DELAWARE

Delaware Code Ann. tit. 13, § 101 (1996)

DISTRICT OF COLUMBIA

District of Columbia Code § 32-702 (1992)
District of Columbia Code § 32-704, 32-705, and 32-706
56 District of Columbia Reg. 3797 (2009)

NOTE. D.C. Code § 32-702 was effective in 2002, but passed in 1992. The Religious Freedom & Civil Marriage Equality Amendment Act of 2009 was signed into law on Dec. 15, 2009 by Mayor Adrian Fenty. Licenses became available in 2010.

FLORIDA

Florida Stat. Ann. § 741.04 (1977)
Florida Stat. Ann. § 741.212 (1997)
Florida Const. art. I, § 27 (2008)

GEORGIA

Georgia Code Ann. § 19-3-30 (1996)
Georgia Code Ann. § 19-3-3.1 (1996)
Georgia Const. art. 1, § 4, para. 1 (2004)

HAWAII

Hawaii Rev. Stat. Ann. § 572-1 (1994)
Hawaii Rev. Stat. Ann. § 572-1.6 (1994)

Hawaii Const. art. I, § 23 (1998)
Hawaii Senate Bill 232 (2011)

NOTE. HA had a "reciprocal beneficiaries" (1997) law, and legalized civil unions in 2011.

IDAHO

Idaho Code § 32-209 (1996)
Idaho Const. art. III, §28 (2006)

ILLINOIS

Illinois Comp. Stat. Ann. 750 § 5/201 (1977)
Illinois Comp. Stat. Ann. 750 § 5/213.1 (1996)
Illinois Comp. Stat. Ann. 750 § 5/212 (1996)
Illinois Senate Bill 1716 (2011)

NOTE. IL had a 1977 law validating marriage between a man and a woman, which was probably not meant to rule out same-sex marriage, so we code IL as introducing a law restricting marriage to one man and one woman in 1996.

INDIANA

Indiana Code Ann. § 31-11-1-1 (1997)

IOWA

Iowa Code Ann. § 595.2 (1998)
Varnum v. Brien (Iowa Supreme Court 2009, 763 N.W.2d 862, 2009 Iowa Sup. LEXIS 31)

KANSAS

Kansas Stat. Ann. § 23-101 (1980)
Kansas Stat. Ann. § 23-115 (1996)
Kansas Const. art. 15, sec. 16 (2005)

NOTE. KS had a 1980 law validating marriage between a man and a woman, which was probably not meant to rule out same-sex marriage, so we code KS as introducing a law restricting marriage to one man and one woman in 1996.

KENTUCKY

Kentucky Rev. Stat. Ann. § 402.005 (1998)
Kentucky Rev. Stat. Ann. § 402.020 (1998)
Kentucky Rev. Stat. Ann. § 402.040 (1998)
Kentucky Rev. Stat. Ann. § 402.045 (1998)
Kentucky Const. § 233A (2004)

LOUISIANA

Louisiana Civ. Code Ann. art. 89 (1988)
Louisiana Civ. Code Ann. art. 96 (1988)
H. Con. Res. 124, 1996 Reg. Sess.
Louisiana Civ. Code Ann. art. 3520(B) (1999)
Louisiana Const. art. XII, § 15 (2004)

NOTE. 1999 statute 3520 also bans marriage between two persons of the same gender.

MAINE

Maine Rev. Stat. Ann. tit. 19-A, § 650 (1997)
Maine Rev. Stat. Ann. tit. 19-A, § 701 (1997)

NOTE. In 2004, domestic partnerships registry was established. Some but not all rights are awarded (ME. REV. STAT. ANN. tit. 22, §2710).

MARYLAND

Maryland Code Ann., Fam. Law § 2-201 (2012)

NOTE. In 2008, limited rights were given to same-gender couples. See Public Law No. 590 and 599 (2008).

MASSACHUSETTS

Goodridge v. Dep't of Pub. Health (2003) 440 Mass 309, 798 NE2d 941, 2003 Mass LEXIS 814 (Massachusetts Superior Court, Nov. 18, 2003)

MICHIGAN

Michigan Comp. Laws Ann. § 551.1 (1996)
Michigan Comp. Laws Ann. § 551.271 (1996)
Michigan Comp. Laws Ann. § 551.272 (1996)
Michigan Comp. Laws Ann. § 551.3 (1996)
Michigan Comp. Laws Ann. § 551.4 (1996)
Michigan Const. art. I, § 25 (2004)

MINNESOTA

Minnesota Stat. Ann. § 517.01 (1997)
Minnesota Stat. Ann. § 517.03 (1997)

NOTE. In the chapter of Minnesota Stat. Ann. that addresses human rights issues, it is written that: "Nothing in this chapter shall be construed to: (1) mean the state of Minnesota condones homosexuality or bisexuality or any equivalent lifestyle" (MINN. STAT. ANN. § 363A.27, 1993).

MISSISSIPPI

Mississippi Code Ann. § 93-1-1 (1997)
Mississippi Const. art. 14, § 263A (2004)

MISSOURI

Missouri Ann. Stat. § 451.022 (1996, 2001)
Missouri Const. art. I, § 33 (2004)

NOTE. The 1996 law was ruled unconstitutional in *St. Louis Health Care Network v. State*, 968 S.W.2d 145 (1998) because the title of the act was misleading. The 2001 law was passed with the same language as the 1996 law.

MONTANA

Montana Code Ann. § 40-1-103 (1997)
Montana Code Ann. § 40-1-401 (1997)
Montana Const. art. XIII, § 7 (2004)

NEBRASKA

Nebraska Const. art. I, § 29 (2000)

NOTE. In May 2005, a federal court declared the amendment unconstitutional. A federal appeals court then reinstated it in July 2006.

NEVADA

Nevada Const. art. I, § 21 (2002)
Nevada Senate Bill 283 (2009)

NOTE. In 2009, the Assembly overrode the veto of Gov. Jim Gibbons on a bill giving legal rights to domestic partners. The constitutional amendment was also ratified in 2000.

NEW HAMPSHIRE

New Hampshire Rev. Stat. Ann. § 457:1 (1987)
New Hampshire Rev. Stat. Ann. § 457:2 (1987)
New Hampshire Rev. Stat. Ann. 457-A (2007)
New Hampshire HB 436 (2009)
New Hampshire HB 73 (2009)

NOTE. In 2009, the 2007 civil unions law was repealed but civil unions were issued until 2010.

NEW JERSEY

New Jersey Stat. Ann. §37:1; §37:2; §26:8 (2006)

NOTE. This law was prompted by the case of *Lewis v. Harris* (2006).

NEW MEXICO

NOTE. NM does not have any explicit same-sex marriage restrictions. In 2004, more than 60 marriage licenses were issued in one county but they were declared invalid by the state attorney general.

NEW YORK

A8354-2011 (Marriage Equality Act, 2011)

NOTE. In 2008, NY began to recognize out of state same-sex marriage licenses. Please see *Martinez v. County of Monroe*, 850 NYS2d 740 (4th Dept. 2008). In 2011, New York passed a law allowing same-sex marriage.

NORTH CAROLINA

North Carolina Gen. Stat. § 51-1.2 (1995)
North Carolina Const. art. 14, § 6 (2012)

NORTH DAKOTA

North Dakota Cent. Code § 14-03-01 (1997)
North Dakota Cent. Code § 14-03-08 (1997)
North Dakota Const. art. XI, § 28 (2004)

OHIO

Ohio Rev. Code Ann. § 3101.01 (2004)
Ohio Const. art. XV, § 11 (2004)

OKLAHOMA

Oklahoma Stat. Ann. tit. 43, § 3 (1975)
Oklahoma Stat. Ann. tit. 43, § 3.1 (1996)
Oklahoma Const. art. II, § 35 (2004)

NOTE. Amendment also says that no part of law should be construed to confer the benefits of marriage on unmarried couples.

OREGON

Oregon Rev. Stat. § 106.010 (1975)
Oregon Const. art. XV, § 5a (2004)
Oregon Family Fairness Act, Public Law Number 99, 2007

PENNSYLVANIA

Pennsylvania Cons. Stat. Ann. 23 § 1704 (1996)

RHODE ISLAND

NOTE. RI does not have any explicit same-sex marriage restrictions, but it has limited benefits for same-gender couples. See R.I. GEN. LAWS §28-48-1, 36-12-4, 44-30-12, 45-49-4.3, 5-33.2-24.

SOUTH CAROLINA

South Carolina Code Ann. § 20-1-10 (1996)
South Carolina Code Ann. § 20-1-15 (1996)
South Carolina Const. Ann. art. XVII, § 15 (2006)

NOTE. The constitutional amendment was voted on in 2006 but enacted in 2007.

SOUTH DAKOTA

South Dakota Cod. Laws § 25-1-1 (1996)
South Dakota Cod. Laws § 25-1-38 (2000)
South Dakota Const. art XXI, § 9 (2006)

TENNESSEE

Tennessee Code Ann. § 36-3-113 (1996)
Tennessee Const. art. XI, § 18 (2006)

TEXAS

Texas Fam. Code Ann. § 2.001 (1997)
Texas Fam. Code Ann. § 6.204 (2003)
Texas Const. art. I, § 32 (2005)

NOTE. Texas originally banned marriage between two persons of the same sex in 1973 and renewed the law in 1997.

UTAH

Utah Code Ann. § 30-1-2 (1977)
Utah Code Ann. § 30-1-4 (1996)
Utah Code Ann. § 30-1-4.1 (2004)
Utah Const. art. I, § 29 (2004)

VERMONT

Vermont Stat. Ann. tit. 15, § 8 (2000, 2009)
Vermont Stat. Ann. tit. 15 § 1201-1207 (1999)

NOTE. In 2009, the Vermont Legislature overrode the Governor's veto legalizing same-sex marriage.

VIRGINIA

Virginia Code Ann. § 20-45.2 (1975, 1997)
Virginia Code Ann. S 20-45.3 (2004)
Virginia Const. art. I, § 15-A (2006)

NOTE. In 1997, VA amended and reenacted their 1975 ban on marriage between two persons of the same sex.

WASHINGTON

Washington Rev. Code § 26.04.010 (1998)
Washington Rev. Code § 26.04.020 (1998)
Washington Rev. Code § 1.12.080 (2009)
Washington Rev. Code § 26.04.010 (2012)
Washington Rev. Code § 26.04.020 (2012)

NOTE. Between 2007 and 2009, WA passed laws giving same-gender couples the same rights as married opposite-gender couples. HB 2516 was passed by the legislature and signed into law by the governor in February 2012.

WEST VIRGINIA

West Virginia Code Ann. § 48-2-104 (2000)
West Virginia Code Ann. § 48-2-603 (2000)

NOTE. The 2000 WV law requires that every marriage license include the "the full names of both the female and male parties" and the following statement: "Marriage is designed to be a loving and lifelong union between a woman and a man."

WISCONSIN

Wisconsin Stat. § 765.01 (1979)
Wisconsin Const. art. XIII, § 13 (2006)

NOTE. WI offers some benefits to same-gender couples but not full benefits.

WYOMING

Wyoming Stat. Ann. § 20-1-101 (1977)