A P P E N D I X 7

State Laws on Marriage and Marriage-Equivalent Statuses

The following chart is correct as of July 1, 2011.

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| |  |  |  |  | | --- | --- | --- | --- | | **States**  **\* Recognizes equal right to marry – Source** | **State constitutional provision barring same-sex marriage** | **Statutory provision barring same-sex marriage** | **Statute establishing civil union or other marriage-equivalent status** | | Alabama | Ala. Const. Art I., § 36.03 | Ala. Code § 30-1-19 |  | | Alaska | Alaska Const., Art. I, § 25 | Alaska Stat. § 25.05.013 |  | | Arizona | Ariz. Const. Art. XXX, § 1 | Ariz. Rev. Stat. Ann. §§ 25- 101, -112, -125 |  | | Arkansas | Ark. Const. Amend. 83, § 2 | Ark. Code Ann. §§ 9-11-107, -109, -208 |  | | California | Cal. Const. Art I, § 7.5 |  | Cal. Fam. Code §§ 297-297.5 | | Colorado | Colo. Const. Art. II, § 31 | Colo. Rev. Stat. Ann. § 14-2-104 |  | | \*Connecticut –  *Kerrigan v Comm’r of Pub. Health*, 957 A.2d 407 (2008)[[1]](#footnote-2) |  |  |  | | Delaware |  | Del. Code Ann. tit. 13, § 101 | Civil Union Law, in effect Jan. 1, 2012 | | \*District of Columbia -  Bill 18-0482, effect. March 2010 |  |  | D.C. Code §§ 32-701 to -702[[2]](#footnote-3) | | Florida | Fla. Const. Art. I, § 27 | Fla. Stat. Ann. § 741.212 |  | | Georgia | Ga. Const., Art. 1, § 4 | Ga. Code Ann. § 19-3-3.1 |  | | Hawaii | [Haw. Const., Art. I, § 23 states, “The legislature shall have the power to reserve marriage to opposite-sex couples.”] | Haw. Rev. Stat. §§ 572-1, -3 | S.B. 232 (civil unions), in effect Jan. 1, 2012 | | Idaho | Idaho Const. Art. III, § 28 | Idaho Code §§ 32-201, - 209 |  | | Illinois |  | 750 Ill. Comp. Stat. Ann. 5/201, /212-13 | SB 1716 (recognizing civil unions) enacted in 2010, to take effect June 2011 | | Indiana |  | Ind. Code § 31-11-1-1 |  | | \*Iowa –  *Varnum v. Brien*, 763 N.W.2d 862 (2009) |  |  |  | | Kansas | Kan. Const. Art. XV, § 16 | Kan. Stat. Ann. §§ 23-101, -115 |  | | Kentucky | Ky. Const. § 233A | Ky. Rev. Stat. Ann. §§ 402.005, .040, .045 |  | | Louisiana | La. Const. Art. 12, § 15 | La. Civ. Code Ann. art. 86, 3520 |  | | Maine |  | Me. Rev. Stat. Ann. tit. 19-A, §§ 650, 701 |  | | Maryland |  | Md. Code Ann., Fam. Law § 2-201 |  | | \*Massachusetts -  *Goodridge v. Dept of Pub. Health*, 798 N.E.2d 941 (2003) |  |  |  | | Michigan | Mich. Const., Art. 1, § 25 | Mich. Comp. Laws Ann. §§ 551.1-.4, .271-.272 |  | | Minnesota |  | Minn. Stat. Ann. §§ 517.01, .03 |  | | Mississippi | Miss. Const., Art. 14 § 263A | Miss. Code Ann. § 93-1-1 |  | | Missouri | Mo. Const. Art. I, § 33 | Mo. Rev. Stat. § 451.022 |  | | Montana | Mont. Const. Art. XIII, § 7 | Mont. Code Ann. §§ 40-1-103, -401 |  | | Nebraska | Neb. Const., Art. I, § 29 |  |  | | Nevada | Nev. Const., Art. 1 § 21 |  | Nev. Rev. Stat. §§ 122A.010-.510 | | \*New Hampshire -  HB 436, effect. January 2010 |  |  |  | | New Jersey |  |  | N.J. Stat. Ann. §§ 37:1-28 to -36 | | New Mexico |  |  |  | | \*New York  A08354, effect July 24, 2011 |  |  |  | | North Carolina |  | N.C. Gen. Stat. § 51-1.2 |  | | North Dakota | N.D. Const. Art. XI, § 28 | N.D. Cent. Code §§ 14-03- 01, -08 |  | | Ohio | Ohio Const., Art. XV, § 11 | Ohio Rev. Code § 3101.01 |  | | Oklahoma | Okla. Const., Art. II § 35 | Okla. Stat. Ann. tit. 43, § 3 |  | | Oregon | Or Const. Art. XV, § 5a | Or. Rev. Stat. § 106.010 | Or. Rev. Stat. §§ 106.300-.340 | | Pennsylvania |  | 23 Pa. Cons. Stat. Ann. §§ 1102, 1704 |  | | Rhode Island |  |  |  | | South Carolina | S.C. Const. Art. XVII, § 15 | S.C. Code Ann. §§ 20-1-10, -15 |  | | South Dakota | S.D. Const. Art. XXI, § 9 | S.D. Codified Laws §§ 25-1-1, -38 |  | | Tennessee | Tenn. Const. Art. XI, § 18 | Tenn. Code Ann. § 36-3-113 |  | | Texas | Tex. Const. Art. I, § 32 | Tex. Fam. Code Ann. § 6.204 |  | | Utah | Utah Const., Art. 1, § 29 | Utah Code Ann. § 30-1-2, -4 |  | | \*Vermont -  S. 115 (2009), effect. September, 2009 |  |  | [Vt. Stat. Ann. tit. 15 §§ 1201-1207[[3]](#footnote-4)] | | Virginia | Va. Const. Art. I, § 15-A | Va. Code Ann. § 20-45.2-.3 |  | | Washington |  | Wash. Rev. Code Ann. §§ 26.04.010, .020 | Wash. Rev. Code Ann. §§ 26.60.010-.090 | | West Virginia |  | W. Va. Code Ann. § 48-2-603 |  | | Wisconsin | Wis. Const. Art. XIII, § 13 | Wis. Stat. § 765.001 |  | | Wyoming |  | Wyo. Stat. Ann. § 20-1-101 |  | |

1. Codified by legislation – Public Act 09-13. [↑](#footnote-ref-2)
2. DC allows couples the choice of marriage or domestic partnership. [↑](#footnote-ref-3)
3. As of the effective date of the marriage statute, persons already in civil unions could choose to remain in that status, but the status of civil union was discontinued for the future. [↑](#footnote-ref-4)