As Engrossed: \$1/16/97 \$1/23/97 1 State of Arkansas A Bill ACT 146 OF 1997 2 81st General Assembly SENATE BILL 5 3 Regular Session, 1997 4 By: Senators Hunter and Boozman 5 6 For An Act To Be Entitled 7 "AN ACT TO AMEND ARKANSAS CODE 8 9-11-208 TO CLARIFY THAT 8 ARKANSAS DOES NOT ISSUE MARRIAGE LICENSES TO PERSONS OF 9 THE SAME SEX AND DOES NOT RECOGNIZE MARRIAGES BETWEEN 10 MEMBERS OF THE SAME SEX AND THEY ARE NOT ENTITLED TO THE 11 12 BENEFITS OF MARRIAGE; AND FOR OTHER PURPOSES." 13 Subtitle 14 "TO CLARIFY THAT ARKANSAS DOES NOT ISSUE 15 MARRIAGE LICENSES TO PERSONS OF THE SAME 16 17 SEX NOR RECOGNIZE MARRIAGES BETWEEN 18 MEMBERS OF THE SAME SEX." 19 20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 21 SECTION 1. Arkansas Code $^{\circ}$ 9-11-208 is amended to read as follows: 22 "9-11-208. License not issued to persons under age or to persons of the 23 24 same sex. 25 (a) No license shall be issued to persons to marry unless and until the 26 female shall attain the age of sixteen (16) years and the male the age of 27 seventeen (17) years and then only by written consent by a parent or guardian 28 until the male shall have attained the age of eighteen (18) years and the 29 female the age of eighteen (18) years. 30 (b) It shall be the declared public policy of the State of Arkansas to 31 recognize the marital union only of man and woman. No license shall be issued 32 to persons to marry another person of the same sex and no same-sex marriage 33 shall be recognized as entitled to the benefits of marriage. (c) Marriages between persons of the same sex are prohibited in this 35 state. Any marriage entered into by persons of the same sex, where a marriage

36 license is issued by another state or by a foreign jurisdiction, shall be void

1 in Arkansas and any contractual or other rights granted by virtue of that 2 license, including its termination, shall be unenforceable in the Arkansas 3 courts." 5 SECTION 2. However, nothing in Section 1 of this act shall prevent an 6 employer from extending benefits to persons who are domestic partners of 7 employees. SECTION 3. All provisions of this act of general and permanent nature 9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code 10 Revision Commission shall incorporate the same in the Code. 11 12 SECTION 4. If any provisions of this act or the application thereof to 13 any person or circumstance is held invalid, the invalidity shall not affect 14 other provisions or applications of the act which can be given effect without 15 the invalid provisions or application, and to this end the provisions of this 16 act are declared to be severable. 17 18 SECTION 5. All laws and parts of laws in conflict with this act are 19 hereby repealed. 20 21 /s/Hunter and Boozman 22 23 APPROVED: 2-14-97 24 25 26 27 2.8 29 30 31 32 33 34 35