

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 2098

By: Representatives S. Meeks, Drown, Gates, Brown, Dotson, C. Douglas, L. Fite, Holcomb, House, Ladyman, Lowery, Lynch, McNair, D. Meeks, Payton, Petty, Rye, Sorvillo, Sullivan, Womack

By: Senator Collins-Smith

## For An Act To Be Entitled

AN ACT TO REENACT CERTAIN PROVISIONS OF ARKANSAS LAW  
TO PROVIDE THAT MARRIAGE SHALL BE ONLY BETWEEN A MAN  
AND A WOMAN; AND FOR OTHER PURPOSES.

## Subtitle

TO REENACT CERTAIN PROVISIONS OF ARKANSAS  
LAW TO PROVIDE THAT MARRIAGE SHALL BE  
ONLY BETWEEN A MAN AND A WOMAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative intent. It is the intent of this act to reenact certain provisions of Arkansas law previously deemed unconstitutional by Jernigan v. Crane, 64 F. Supp. 3d 1260 (E.D. Ark. 2014), aff'd 796 F. 3d 976 (8th Cir. 2015) and Obergefell v. Hodges, 135 S. Ct. 2584, 192 L. Ed. 2d 609 (2015).

SECTION 2. Arkansas Code § 9-11-107 is amended to read as follows:

~~9-11-107. Validity of foreign marriages.~~

~~(a) All marriages contracted outside this state that would be valid by the laws of the state or country in which the marriages were consummated and in which the parties then actually resided shall be valid in all the courts in this state.~~

~~(b) This section shall not apply to a marriage between persons of the same sex.~~



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(b) This section shall not apply to a marriage between persons of the same sex.

SECTION 3. Arkansas Code § 9-11-109 is amended to read as follows:

~~9-11-109. Validity of same-sex marriages.~~

~~Marriage shall be only between a man and a woman. A marriage between persons of the same sex is void.~~

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Marriage shall be only between a man and a woman. A marriage between persons of the same sex is void.

SECTION 4. Arkansas Code § 9-11-208 is amended to read as follows:

~~9-11-208. License not issued to persons of the same sex.~~

~~(a)(1)(A) It is the public policy of the State of Arkansas to recognize the marital union only of man and woman.~~

~~(B) A license shall not be issued to a person to marry another person of the same sex, and no same-sex marriage shall be recognized as entitled to the benefits of marriage.~~

~~(2) Marriages between persons of the same sex are prohibited in this state. Any marriage entered into by a person of the same sex, when a marriage license is issued by another state or by a foreign jurisdiction, shall be void in Arkansas, and any contractual or other rights granted by virtue of that license, including its termination, shall be unenforceable in the Arkansas courts.~~

~~(3) However, nothing in this section shall prevent an employer from extending benefits to a person who is a domestic partner of an employee.~~

~~(b) A license shall not be issued to a person to marry unless and until the female shall attain the age of sixteen (16) years and the male the age of seventeen (17) years and then only by written consent by a parent or guardian until the male shall have attained the age of eighteen (18) years and the female the age of eighteen (18) years.~~

9-11-208. License not issued to persons of the same sex.

(a)(1)(A) It is the public policy of the State of Arkansas to recognize the marital union only of man and woman.

(B) A license shall not be issued to a person to marry another person of the same sex, and no same-sex marriage shall be recognized as entitled to the benefits of marriage.

(2) Marriages between persons of the same sex are prohibited in this state. Any marriage entered into by a person of the same sex, when a marriage license is issued by another state or by a foreign jurisdiction, shall be void in Arkansas, and any contractual or other rights granted by virtue of that license, including its termination, shall be unenforceable in the Arkansas courts.

(3) However, nothing in this section shall prevent an employer from extending benefits to a person who is a domestic partner of an employee.

(b) A license shall not be issued to a person to marry unless and until the female shall attain the age of sixteen (16) years and the male the age of seventeen (17) years and then only by written consent by a parent or guardian until the male shall have attained the age of eighteen (18) years and the female the age of eighteen (18) years.