

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 636

Representatives Whitted, Somani

**Cosponsors: Representatives Sweeney, Piccolantonio, Weinstein, Brent, McNally,
Robinson, Brown, Grim, Skindell, Brewer, Jarrells, Isaacsohn, Baker, Liston**

A BILL

To amend section 3101.01 and to enact section 1
3101.011 of the Revised Code to reconcile Ohio 2
with federal law regarding same-sex marriage and 3
provide for the right to interracial marriage. 4

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

Section 1. That section 3101.01 be amended and section 5
3101.011 of the Revised Code be enacted to read as follows: 6

Sec. 3101.01. ~~(A)~~ Except as provided in section 3101.02 of 7
the Revised Code, only ~~male~~ persons of the age of eighteen 8
years, and ~~only female persons of the age of eighteen years,~~ not 9
nearer of kin than second cousins, and not having a ~~husband or~~ 10
~~wife spouse~~ living, may be ~~joined in~~ enter into marriage. A 11
marriage may only be entered into by ~~one man and one woman~~ two 12
persons. 13

~~(B) (1) Any marriage between persons of the same sex is~~ 14
~~against the strong public policy of this state. Any marriage~~ 15
~~between persons of the same sex shall have no legal force or~~ 16
~~effect in this state and, if attempted to be entered into in~~ 17

~~this state, is void ab initio and shall not be recognized by
this state.~~ 18
19

~~(2) Any marriage entered into by persons of the same sex
in any other jurisdiction shall be considered and treated in all
respects as having no legal force or effect in this state and
shall not be recognized by this state.~~ 20
21
22
23

~~(3) The recognition or extension by the state of the
specific statutory benefits of a legal marriage to nonmarital
relationships between persons of the same sex or different sexes
is against the strong public policy of this state. Any public
act, record, or judicial proceeding of this state, as defined in
section 9.82 of the Revised Code, that extends the specific
statutory benefits of legal marriage to nonmarital relationships
between persons of the same sex or different sexes is void ab
initio. Nothing in division (B) (3) of this section shall be
construed to do either of the following:~~ 24
25
26
27
28
29
30
31
32
33

~~(a) Prohibit the extension of specific benefits otherwise
enjoyed by all persons, married or unmarried, to nonmarital
relationships between persons of the same sex or different
sexes, including the extension of benefits conferred by any
statute that is not expressly limited to married persons, which
includes but is not limited to benefits available under Chapter
4117. of the Revised Code;~~ 34
35
36
37
38
39
40

~~(b) Affect the validity of private agreements that are
otherwise valid under the laws of this state.~~ 41
42

~~(4) Any public act, record, or judicial proceeding of any
other state, country, or other jurisdiction outside this state
that extends the specific benefits of legal marriage to
nonmarital relationships between persons of the same sex or~~ 43
44
45
46

~~different sexes shall be considered and treated in all respects— 47
as having no legal force or effect in this state and shall not— 48
be recognized by this state. 49~~

Sec. 3101.011. This state and its political subdivisions 50
shall not prohibit marriage between individuals of different 51
races. 52

Section 2. That existing section 3101.01 of the Revised 53
Code is hereby repealed. 54