



Substitute Senate Bill No. 899

Public Act No. 09-13

AN ACT IMPLEMENTING THE GUARANTEE OF EQUAL PROTECTION UNDER THE CONSTITUTION OF THE STATE FOR SAME SEX COUPLES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective from passage*) A marriage, or a relationship that provides substantially the same rights, benefits and responsibilities as a marriage, between two persons entered into in another state or jurisdiction and recognized as valid by such other state or jurisdiction shall be recognized as a valid marriage in this state, provided such marriage or relationship is not expressly prohibited by statute in this state.

Sec. 2. (NEW) (*Effective from passage*) A marriage between two persons entered into in this state and recognized as valid in this state may be recognized as a marriage, or a relationship that provides substantially the same rights, benefits and responsibilities as a marriage, in another state or jurisdiction if one or both persons travel to or reside in such other state or jurisdiction.

Sec. 3. Section 46b-20 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in this chapter:

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[(a)] (1) "Registrar" means the registrar of vital statistics;

[(b)] (2) "Applicant" means applicant for a marriage license;

[(c)] (3) "License" means marriage license; and

(4) "Marriage" means the legal union of two persons.

Sec. 4. (NEW) (*Effective from passage*) A person is eligible to marry if such person is:

(1) Not a party to another marriage, or a relationship that provides substantially the same rights, benefits and responsibilities as a marriage, entered into in this state or another state or jurisdiction, unless the parties to the marriage will be the same as the parties to such other marriage or relationship;

(2) Except as provided in section 46b-30 of the general statutes, at least eighteen years of age;

(3) Except as provided in section 46b-29 of the general statutes, not under the supervision or control of a conservator; and

(4) Not prohibited from entering into a marriage pursuant to section 46b-21 of the general statutes, as amended by this act.

Sec. 5. Section 46b-25 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No license may be issued by the registrar until both persons have appeared before the registrar and made application for a license. The registrar shall issue a license to any two persons eligible to marry under this chapter and section 4 of this act. The license shall be completed in its entirety, dated, signed and sworn to by each applicant and shall state each applicant's name, age, race, birthplace, residence, whether single, widowed or divorced and whether under the

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supervision or control of a conservator or guardian. The Social Security numbers of [the bride and the groom] both persons shall be recorded in the "administrative purposes" section of the license. If the license is signed and sworn to by the applicants on different dates, the earlier date shall be deemed the date of application.

Sec. 6. Section 46b-21 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[No man may marry his mother, grandmother, daughter, granddaughter, sister, aunt, niece, stepmother or stepdaughter, and no woman may marry her father, grandfather, son, grandson, brother, uncle, nephew, stepfather or stepson.] No person may marry such person's parent, grandparent, child, grandchild, sibling, parent's sibling, sibling's child, stepparent or stepchild. Any marriage within these degrees is void.

Sec. 7. (NEW) (*Effective from passage*) (a) No member of the clergy authorized to join persons in marriage pursuant to section 46b-22 of the general statutes shall be required to solemnize any marriage in violation of his or her right to the free exercise of religion guaranteed by the first amendment to the United States Constitution or section 3 of article first of the Constitution of the state.

(b) No church or qualified church-controlled organization, as defined in 26 USC 3121, shall be required to participate in a ceremony solemnizing a marriage in violation of the religious beliefs of that church or qualified church-controlled organization.

Sec. 8. (NEW) (*Effective from passage*) Wherever in the general statutes or the public acts the term "husband", "wife", "groom", "bride", "widower" or "widow" is used, such term shall be deemed to include one party to a marriage between two persons of the same sex.

Sec. 9. Section 45a-727a of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective from passage*):

The General Assembly finds that:

(1) The best interests of a child are promoted by having persons in the child's life who manifest a deep concern for the child's growth and development;

(2) The best interests of a child are promoted when a child has as many persons loving and caring for the child as possible; and

(3) The best interests of a child are promoted when the child is part of a loving, supportive and stable family, whether that family is a nuclear, extended, split, blended, single parent, adoptive or foster family. [; and]

[(4) It is further found that the current public policy of the state of Connecticut is now limited to a marriage between a man and a woman.]

Sec. 10. Section 46b-38nn of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Parties to a civil union shall have all the same benefits, protections and responsibilities under law, whether derived from the general statutes, administrative regulations or court rules, policy, common law or any other source of civil law, as are granted to spouses in a marriage. [, which is defined as the union of one man and one woman.]

Sec. 11. (NEW) (*Effective from passage*) (a) On and after the effective date of this section and prior to October 1, 2010, two persons who are parties to a civil union entered into pursuant to sections 46b-38aa to 46b-38oo, inclusive, of the general statutes, as amended by this act, may apply for and be issued a marriage license, provided such persons

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are otherwise eligible to marry under section 4 of this act and chapter 815e of the general statutes and the parties to the marriage will be the same as the parties to the civil union.

(b) After the celebration of such marriage and upon the recording of the license certificate or notarized affidavit with the registrar of vital statistics of the town where the marriage took place pursuant to section 46b-34 of the general statutes, the civil union of such persons shall be merged into the marriage by operation of law as of the date of the marriage stated in the certificate or affidavit.

Sec. 12. (NEW) (*Effective from passage*) (a) Two persons who are parties to a civil union established pursuant to sections 46b-38aa to 46b-38oo, inclusive, of the general statutes, as amended by this act, that has not been dissolved or annulled by the parties or merged into a marriage by operation of law under section 11 of this act as of October 1, 2010, shall be deemed to be married under chapter 815e of the general statutes, as amended by this act, on said date and such civil union shall be merged into such marriage by operation of law on said date.

(b) Notwithstanding the provisions of subsection (a) of this section, the parties to a civil union with respect to which a proceeding for dissolution, annulment or legal separation is pending on October 1, 2010, shall not be deemed to be married on said date and such civil union shall not be merged into such marriage by operation of law but shall continue to be governed by the provisions of the general statutes applicable to civil unions in effect prior to October 1, 2010.

Sec. 13. (NEW) (*Effective from passage*) Nothing in section 11, 12 or 21 of this act shall impair or affect any action or proceeding commenced, or any right or benefit accrued, or responsibility incurred, by a party to a civil union prior to October 1, 2010.

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Sec. 14. Section 46a-81a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

For the purposes of sections 4a-60a, 45a-726a and 46a-81b to [46a-81r] 46a-81q, inclusive, "sexual orientation" means having a preference for heterosexuality, homosexuality or bisexuality, having a history of such preference or being identified with such preference, but excludes any behavior which constitutes a violation of part VI of chapter 952.

Sec. 15. Subsection (a) of section 17b-137a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) The Social Security number of the applicant shall be recorded on each (1) application for a license, certification or permit to engage in a profession or occupation regulated pursuant to the provisions of title 19a, 20 or 21; (2) application for a commercial driver's license or commercial driver's instruction permit completed pursuant to subsection (a) of section 14-44c; and (3) application for a marriage license made under section 46b-25, as amended by this act. [or for a civil union license under section 46b-38hh.]

Sec. 16. Section 46b-150d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

An order that a minor is emancipated shall have the following effects: (1) The minor may consent to medical, dental or psychiatric care, without parental consent, knowledge or liability; (2) the minor may enter into a binding contract; (3) the minor may sue and be sued in such minor's own name; (4) the minor shall be entitled to such minor's own earnings and shall be free of control by such minor's parents or guardian; (5) the minor may establish such minor's own residence; (6) the minor may buy and sell real and personal property; (7) the minor may not thereafter be the subject of a petition under

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section 46b-129 as an abused, dependent, neglected or uncared for child or youth; (8) the minor may enroll in any school or college, without parental consent; (9) the minor shall be deemed to be over eighteen years of age for purposes of securing an operator's license under section 14-36 and a marriage license under subsection (b) of section 46b-30; [or a civil union license under section 46b-38jj without parental consent;] (10) the minor shall be deemed to be over eighteen years of age for purposes of registering a motor vehicle under section 14-12; (11) the parents of the minor shall no longer be the guardians of the minor under section 45a-606; (12) the parents of a minor shall be relieved of any obligations respecting such minor's school attendance under section 10-184; (13) the parents shall be relieved of all obligation to support the minor; (14) the minor shall be emancipated for the purposes of parental liability for such minor's acts under section 52-572; (15) the minor may execute releases in such minor's own name under section 14-118; and (16) the minor may enlist in the armed forces of the United States without parental consent.

Sec. 17. (NEW) (*Effective from passage*) Notwithstanding any other provision of law, a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, shall not be required to provide services, accommodations, advantages, facilities, goods or privileges to an individual if the request for such services, accommodations, advantages, facilities, goods or privileges is related to the solemnization of a marriage or celebration of a marriage and such solemnization or celebration is in violation of their religious beliefs and faith. Any refusal to provide services, accommodations, advantages, facilities, goods or privileges in accordance with this section shall not create any civil claim or cause of action, or result in any state action to penalize or withhold benefits from such religious organization, association or society, or any nonprofit institution or organization

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operated, supervised or controlled by or in conjunction with a religious organization, association or society.

Sec. 18. (NEW) (*Effective from passage*) The marriage laws of this state shall not be construed to affect the ability of a fraternal benefit society to determine the admission of members as provided in section 38a-598 of the general statutes or to determine the scope of beneficiaries in accordance with section 38a-636 of the general statutes, and shall not require a fraternal benefit society that has been established and is operating for charitable and educational purposes and which is operated, supervised or controlled by or in connection with a religious organization to provide insurance benefits to any person if to do so would violate the fraternal benefit society's free exercise of religion as guaranteed by the first amendment to the Constitution of the United States and section 3 of article first of the Constitution of the state.

Sec. 19. (NEW) (*Effective from passage*) Nothing in this act shall be deemed or construed to affect the manner in which a religious organization may provide adoption, foster care or social services if such religious organization does not receive state or federal funds for that specific program or purpose.

Sec. 20. Section 46a-81r of the general statutes is repealed. (*Effective from passage*)

Sec. 21. Sections 46b-38aa to 46b-38mm, inclusive, section 46b-38nn, as amended by this act, and section 46b-38oo of the general statutes are repealed. (*Effective October 1, 2010*)

Approved April 23, 2009