



Oregon

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HB 2478 – Gender Neutral References to Marriage

What the measure does: HB 2478 makes statutory changes to achieve gender neutral language with respect to marriages in Oregon. Generally replaces “husband and wife” with “spouses in a marriage”.

Background: This bill stems from a federal court determination (*Geiger v. Kitzhaber*) that Oregon's ban on same-sex marriage was unconstitutional. After the court ruled, it became evident that statutory references relating to marriage that were specific to gender – husband and wife for example – were throughout the Oregon Revised Statutes and would need changing to align with the court's ruling. In fact, for most states that recognize same-sex marriages – if not all of them – recognizing same-sex marriages has prompted a need to update and modernize their marriage statutes.

There are many instances in the Oregon Revised Statutes where gender distinctions have no policy impact, but simply are in conflict with now legal same-sex marriages. In other areas of law, gender is foundational to the application of rights, benefits and responsibilities (paternity as an example). DAS requested HB 2478 be drafted and introduced to replace gender-specific references related to marriage with gender neutral references. The goal was to have a purely administrative bill that did not get into policy choices or areas where gender specificity would be needed. DAS used statutes cited in the legal arguments in the *Geiger* case as the basis for drafting and included agencies impacted by the proposed changes in the analysis.

HB 2478 as introduced included changes to the juvenile code and parentage statutes that were later determined needed greater analysis to balance gender references with equal protection. The -2 amendment to HB 2478 removes those sections of the juvenile code to conform to the intent of an administrative bill. The bill adjusts statutes in the areas of real property, tax and estate; civil rights which reference marital status; parental obligations and dissolutions of marriage.

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