

**SB 5336-S - DIGEST**

(DIGEST AS ENACTED)

Protects individuals in domestic partnerships by granting certain rights and benefits.

Finds that same sex couples, because they cannot marry in this state, do not automatically have the same access that married couples have to certain rights and benefits, such as those associated with hospital visitation, health care decision-making, organ donation decisions, and other issues related to illness, incapacity, and death. Although many of these rights and benefits may be secured by private agreement, doing so often is costly and complex.

Finds that the public interest would be served by extending rights and benefits to different sex couples in which either or both of the partners is at least sixty-two years of age. While these couples are entitled to marry under the state's marriage statutes, some social security and pension laws nevertheless make it impractical for these couples to marry. For this reason, this act specifically allows couples to enter into a state registered domestic partnership if one of the persons is at least sixty-two years of age, the age at which many people choose to retire and are eligible to begin collecting social security and pension benefits.

Creates the state domestic partnership registry within the secretary of state's office.

Provides that, to enter into a state registered domestic partnership the two persons involved must meet the following requirements: (1) Both persons share a common residence;

(2) Both persons are at least eighteen years of age;

(3) Neither person is married to someone other than the party to the domestic partnership and neither person is in a state registered domestic partnership with another person;

(4) Both persons are capable of consenting to the domestic partnership;

(5) Both of the following are true: (a) the persons are not nearer of kin to each other than second cousins, whether of the whole or half blood computing by the rules of the civil law; and (b) neither person is a sibling, child, grandchild, aunt, uncle, niece, or nephew to the other person; and

(6) Either (a) both persons are members of the same sex; or (b) at least one of the persons is sixty-two years of age or older.