
A BILL FOR AN ACT

RELATING TO PERSONAL RELATIONSHIPS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to establish a
2 category of authorized, secular wedding and civil union
3 practitioners to be known as "civil celebrants", thereby
4 ensuring equal treatment of religious and secular wedding and
5 civil union practitioners regarding the rite of marriage.

6 SECTION 2. Section 572-12, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "~~§572-12~~ **By whom solemnized**~~[-];~~ fee. (a) A license to
9 solemnize marriages may be issued to, and the marriage rite may
10 be performed and solemnized by ~~[any]~~:

11 (1) Any minister, priest, or officer of any religious
12 denomination or society who has been ordained or is
13 authorized to solemnize marriages according to the
14 usages of ~~[such]~~ the denomination or society~~[, or~~
15 ~~any]~~;



1 (2) Any religious society not having clergy but providing
2 solemnization in accordance with the rules and customs
3 of that society~~[, or any]~~;

4 (3) Any justice or judge or magistrate, active or retired,
5 of a state or federal court in the State~~[,]~~; or

6 (4) Any civil celebrant,
7 upon presentation to ~~[such]~~ the person or society solemnizing
8 the marriage of a license to marry, as prescribed by this
9 chapter. ~~[Such]~~ The person or society solemnizing the marriage
10 may receive the price stipulated by the parties or the
11 gratification tendered.

12 (b) Every person or society licensed to solemnize
13 marriages under this section shall pay a \$40 fee for each
14 marriage ceremony performed within the State.

15 (c) As used in this section, "civil celebrant" means a
16 member of a secular or non-religious organization who is
17 authorized by the organization to solemnize marriages."

18 SECTION 3. Section 572B-4, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§572B-4 Solemnization; license to perform; refusal to**
21 **join persons in a civil union~~[,]~~; fee. (a) A civil union shall**



1 become valid only upon completion of a solemnization by a person
2 licensed in accordance with this section.

3 (b) Any judge or retired judge, including a federal judge
4 or judge of another state who may legally join persons in
5 [~~chapter 572~~] a marriage or [a] civil union, may solemnize a
6 civil union. Any clergy, minister, priest, rabbi, or officer of
7 any religious denomination or society who has been ordained or
8 is authorized to solemnize civil unions according to the usages
9 of [~~such~~] the denomination or society, or any religious society
10 not having clergy but providing solemnization in accordance with
11 the rules and customs of that society, may solemnize a civil
12 union. Any civil celebrant, as defined in section 572-12, may
13 solemnize a civil union.

14 (c) Notwithstanding any other law to the contrary, a
15 clergy, minister, priest, rabbi, officer of any religious
16 denomination or society, or religious society not having clergy
17 but providing solemnizations that is authorized to perform
18 solemnizations of civil unions pursuant to this chapter shall
19 not be required to solemnize any civil union that is in
20 violation of their religious beliefs or faith.



1 (d) A clergy, minister, priest, rabbi, officer of any
2 religious denomination or society, or religious society not
3 having clergy but providing solemnizations that, pursuant to
4 this section, fails or refuses to perform the solemnization of a
5 civil union shall be immune from any fine, penalty, injunction,
6 administrative proceeding, or any other legal or administrative
7 liability for the failure or refusal.

8 (e) No agent may solemnize a civil union; nor may any
9 assistant or deputy of the agent solemnize a civil union.

10 (f) No person shall perform the solemnization of a civil
11 union without first having obtained a license from the
12 department of health. The department of health shall issue
13 licenses to solemnize civil unions in the same manner as it
14 issues licenses pursuant to chapter 572. The department of
15 health may revoke or suspend a license to solemnize civil
16 unions. Any penalties or fines that may be levied or assessed
17 by the department of health for violation of chapter 572 shall
18 apply equally to a person licensed to solemnize civil unions.

19 (g) Every person or society licensed to solemnize civil
20 unions under this section shall pay a \$40 fee for each civil
21 union solemnization performed within the State."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Marriages; Civil Unions; Solemnizations; Civil Celebrants

Description:

Authorizes members of secular or non-religious organizations to solemnize marriages and civil unions. Requires every person or society licensed to solemnize marriages or civil unions to pay a fee for each marriage ceremony or civil union solemnization performed within the State. (HD1)

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