



GOV. MSG. NO. 1282

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 3, 2023

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 3, 2023, the following bill was signed into law:

HB485 HD3 SD2

RELATING TO MARRIAGE.  
**ACT 179**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

on JUL 3 2023

ACT 179

HOUSE OF REPRESENTATIVES  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

H.B. NO. 485  
H.D. 3  
S.D. 2

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# A BILL FOR AN ACT

RELATING TO MARRIAGE.

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

1 SECTION 1. The legislature finds that, according to a 2016  
2 report by the Williams Institute on sexual orientation and  
3 gender identity law and public policy, Hawaii has the highest  
4 percentage of transgender-identifying adults in the United  
5 States. The legislature notes that, in general, a transgender-  
6 identifying individual experiences high levels of discrimination  
7 in all aspects of the individual's life. The legislature also  
8 notes that Hawaii has been at the forefront of implementing  
9 policies to protect transgender persons and believes that the  
10 State should continue to take proactive measures.

11 The legislature further finds that, according to a 2013  
12 report by the university of Hawaii, gender-stereotypical  
13 policies and norms continue to stigmatize and exclude  
14 transgender persons in the State. Additionally, according to  
15 the 2018 Hawaii Sexual and Gender Minority Health Report by the  
16 department of health, the stigmatized minority status of  
17 transgender individuals is causing negative and disproportionate



1 health outcomes, fewer economic opportunities, and less  
2 sociopolitical power.

3       The legislature recognizes that Act 148, Session Laws of  
4 Hawaii 2019, expanded the gender identity options available on  
5 Hawaii driver's licenses and state identification cards,  
6 enabling transgender and gender-nonconforming persons to avoid  
7 invasive questioning and discriminatory treatment. Accordingly,  
8 as of July 1, 2020, any person may specify the person's gender  
9 designation as "F", "M", or "X" on a Hawaii driver's license or  
10 state identification card. However, under existing law, a  
11 transgender-identifying person is limited in changing the  
12 person's gender designation on a marriage certificate. Name  
13 changes are permitted only within a four-week period after the  
14 marriage or through a court order. This makes it difficult and  
15 expensive for a transgender-identifying person to update a  
16 marriage certificate to reflect the person's identity, causing  
17 confusion and stress when the person is asked to produce this  
18 documentation.

19       Accordingly, the purpose of this Act is to require the  
20 department of health to issue a new marriage certificate when



1 necessary to reflect a change in name or gender, upon receipt of  
2 the required supporting documentation.

3 SECTION 2. Chapter 338, Hawaii Revised Statutes, is  
4 amended by adding a new section to part I to be appropriately  
5 designated and to read as follows:

6 "§338- New certificates of marriage; issuance; gender  
7 and sex identifiers. (a) The department of health shall allow  
8 any person who possesses a valid certificate of marriage that  
9 has been filed with the department and that includes gender and  
10 sex identifiers for the person that differ from the person's  
11 changed gender and sex identifiers and, if applicable, changed  
12 name, to apply for a new certificate of marriage; provided that  
13 the department shall require the applicant to submit the  
14 following:

15 (1) An application for a new certificate of marriage  
16 providing the applicant's requested:

17 (A) Designation as "bride", "groom", "partner", or  
18 "spouse"; and

19 (B) Name, if applicable;

20 (2) A copy of one of the following documents:



- 1           (A) The applicant's new certificate of birth  
2                   reflecting the applicant's change of gender and  
3                   sex identifier;
- 4           (B) A government-issued identification document  
5                   reflecting the applicant's change of gender and  
6                   sex identifier, including any change of gender  
7                   accomplished by an order of any court of any  
8                   state or territory of the United States, the  
9                   District of Columbia, or any foreign court; or
- 10          (C) An affidavit attesting, under penalty of perjury,  
11                   that the request for a change of the designation  
12                   of the applicant as "bride", "groom", "partner",  
13                   or "spouse" is to conform to the applicant's  
14                   gender identity and is not made for any  
15                   fraudulent purpose;
- 16          (3) If the applicant requests that the new certificate of  
17                   marriage reflect a different name for the applicant  
18                   than what is provided on the original certificate of  
19                   marriage, a certified copy of the applicant's change  
20                   of name order obtained under section 574-5(a)(1) or



- 1           (5), including a certified English translation, if  
2           applicable; and
- 3           (4) A notarized letter from the current non-applicant  
4           spouse consenting to the changes to be made to the  
5           original certificate of marriage; provided further  
6           that the notarized letter shall substantially contain  
7           the following language:
- 8           "I, (non-applicant spouse's full name), stipulate to  
9           an issuance of a new certificate of marriage for  
10           myself that reflects my spouse's legal gender, sex,  
11           and, if applicable, name."
- 12           (b) Each new certificate of marriage issued pursuant to  
13           this section shall:
- 14           (1) Reflect the applicant's changed:
- 15           (A) Designation as "bride", "groom", "partner", or  
16           "spouse"; and
- 17           (B) Name, if applicable; and
- 18           (2) Replace the original certificate of marriage.
- 19           (c) No new certificate of marriage issued pursuant to this  
20           section shall:
- 21           (1) Be marked as amended; or



1       (2) Reveal the language of the original certificate of  
2           marriage that was changed.

3       (d) The department of health shall establish fees pursuant  
4 to chapter 91 to be paid for the issuance of a new certificate  
5 of marriage pursuant to this section.

6       (e) Upon receipt of the documents submitted pursuant to  
7 subsection (a) and the applicant's payment of the fees  
8 established pursuant to subsection (d), the department of health  
9 shall:

10       (1) Issue to the applicant a new certificate of marriage;  
11           and

12       (2) Seal and file any documents evidencing the preparation  
13 of the new certificate of marriage, including the  
14 original certificate of marriage; provided that these  
15 documents shall only be opened pursuant to an order of  
16 any court of competent jurisdiction within a state,  
17 territory, or possession of the United States, or by  
18 request of the marriage registrant.

19       (f) The department of health shall issue a new certificate  
20 of marriage to any applicant who satisfies the requirements of  
21 this section regardless of the date of the applicable marriage."



1 SECTION 3. Section 572-13, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) Certified copies of certificate of marriage. The  
4 department of health shall deliver one certified copy of the  
5 certificate of marriage or the contents or any part thereof as  
6 provided in section 338-13 to the persons married. [~~The~~  
7 ~~certificate shall be prima facie evidence of the fact of~~  
8 ~~marriage in any proceeding in any court.~~

9 ~~The]~~ Upon request, the department of health shall [~~upon~~  
10 ~~request,~~] furnish to any applicant additional certified copies  
11 of the certificate of marriage or any part thereof.

12 [~~Copies]~~ Except for any certificate of marriage replaced,  
13 sealed, and filed pursuant to section 338- , copies of the  
14 contents of any certificate on file [~~in the department,~~] with,  
15 and certified by, the department shall be considered the same as  
16 the original for all purposes [~~the same as the original~~].

17 The department may prescribe reasonable fees, if any, to be  
18 paid for certified copies of certificates."

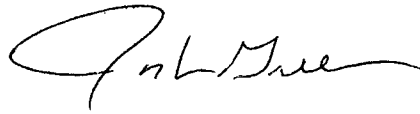
19 SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on January 1, 2024.





APPROVED this **3rd** day of **July**, 2023



GOVERNOR OF THE STATE OF HAWAII

HB No. 485, HD 3, SD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2023  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki  
Speaker  
House of Representatives





Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 6, 2023  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.

  
President of the Senate

  
Clerk of the Senate