

STATE OF HAWAII DEPARTMENT OF HEALTH KA 'OIHANA OLAKINO P. O. Box 3378 Honolulu, HI 96801-3378 doh.testimony@doh.hawaii.gov

# Testimony COMMENTING on HB485 HD2 RELATING TO MARRIAGE.

REP. KYLE YAMASHITA, CHAIR HOUSE COMMITTEE ON FINANCE

Hearing Date: Feb. 23, 2023

Room Number: 325

1 **Fiscal Implications:** Unspecified expense to update vital records systems.

2 **Department Testimony:** The Department of Health (DOH) discharges a ministerial role

3 regarding vital records, which is to officially record and preserve certain major life events. The

4 department does not usually make determinations of factual accuracy for vital records, rather

5 accepting prima facie common life events like births, adoptions, deaths, and marriages that are

6 submitted from trusted sources.

7 The department is currently authorized to amend birth certificates for persons who have had

8 appropriate treatment for gender transition as affirmed by a United States licensed physician or

9 physician assistant, pursuant to <u>section 338-17.7(a)(4)</u>, <u>Hawaii Revised Statutes</u>.

10 DOH offers the following comments and observations on implementing HB485 HD2:

11 Sex vs Gender

12 The vital records program authorized by the US Centers for Disease and Prevention only

13 document "sex," as defined by a serios of biological markers such as chromosomes, gametes,

14 and reproductive organs, etc. "Gender" is a cultural construct governing social expectations of

15 the sexes that vary with time, place, historically and geographically.

16

# 1 <u>Birth Certificates</u>

Although out of scope for the title of HB485 HD1, incongruent information on the birth
certificate and marriage certificate will be a complication. A future measure may address
amending circumstances under which the sex of the registrant is amended beyond what is
currently authorized in statute.

# 6 <u>Civil Unions</u>

- 7 Although out of scope for the title of HB485 HD1, individuals and couples under civil unions
- 8 should have equal opportunities to amend a marriage certificate for these same purposes.

# 9 <u>Effective Dates</u>

- 10 The department recommends an effective date of January 1, 2024, to accommodate amendments
- 11 to marriages prior to 1991. In addition to the creation of blank templates that are tamper-proof
- 12 and counterfeit-resistant, declared middles names were not an option prior to 1991 and time is
- 13 required to determine how to accommodate.
- 14 The Department of Health looks forward to assisting the Legislature to develop appropriate 15 procedures and criteria for the purposes of this measure.
- 16 **Offered Amendments:** N/A.
- 17



# HAWAI'I CIVIL RIGHTS COMMISSION KOMIKINA PONO KĪWILA O HAWAI'I

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 · FAX: 586-8655 · TDD: 568-8692

Thursday, February 23, 2023 Rm. 308, 1:30 p.m.

To: The Honorable Kyle T. Yamashita, Chair The Honorable Lisa Kitagawa, Vice Chair Members of the House Committee on Finance

From: Liann Ebesugawa, Chair and Commissioners of the Hawai'i Civil Rights Commission

# Re: H.B. No. 485, H.D.2

The Hawai'i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai'i's laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai'i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights.

The HCRC supports H.B. No. 485, H.D. 2, which provides for the replacement of marriage certificates for individuals who have changed their gender, sex, and, if applicable, name.

The Legislature previously passed H.B. No. 1165 in 2019, enacted as Act 142, expanding gender options on government identification. Recent awareness of the discrimination and other issues faced by transgender and non-binary individuals has provoked greater consciousness of the difficulties with official documents that can arise. This bill would allow transgender individuals who are married to correct their marriage certificates to accurately reflect their gender identity, filling a gap not yet addressed. This bill will advance fair treatment and address discrimination faced by the transgender community, allowing much needed legal documents to align with an applicant's gender identity.

Recognizing the importance of fair treatment and inclusiveness, the HCRC supports H.B. No. 485, H.D. 2.



February 21, 2023

House's Committee on Finance Hawai'i State Capitol 415 South Beretania Street Honolulu, HI 96813

Hearing: Thursday, February 23, 2022 at 1:30 PM

# RE: STRONG SUPPORT for House Bill 485 House Draft 2

Aloha Chair Yamashita, Vice-Chair Kitagawa and fellow committee members,

I am writing in STRONG SUPPORT for House Bill 485 HD 2 on behalf of the Stonewall Caucus of the Democratic Party of Hawai'i, Hawai'i's oldest and largest policy and political LGBTQIA+ focused organization.

HB 485 HD 2 will establish the ability for marriage certificates issued in Hawai'i to be updated for those having had legal name and gender changes. Currently there is no mechanism to allow those that undergo a legal name and gender change to update this vital record document.

Marriage Certificates are vital records and needed for handling affairs, legal and financial concerns, or for traveling internationally. Some examples of use:

- Sharing health or other insurance benefits
- Applying for a loan or mortgage
- Filing Taxes
- Arranging property succession or retirement benefits to a spouse
- Giving tax-free gifts to a spouse
- Custody changes

For all these reasons the Stonewall Caucus humbly asks that you support HB 485 HD 2 to ensure fairness for any couple in Hawai'i seeking to update vital records for reasons of name and gender change.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr. Chair and SCC Representative Stonewall Caucus for the DPH



To: Committee on Health and Homelessness, Hawai'i State House of Representatives

Hearing Date: Thursday, February 23, 2023

Re: Testimony in Support of HB 485, HD2

From: Joe Wilson, North Shore Koʻolau Diversity Collective

Dear Chair Yamashita, Vice Chair Kitagawa and members of the committee

I write on behalf of the North Shore Ko'olau Diversity Collective in STRONG SUPPORT for HB485 HD2, which would help ensure that people have a navigable process by which they can update Hawai'i marriage certificates to correct basic information which may have changed after their current certificate was issued.

Marriage certificates can be very important documents, and when the information on a marriage certificate such as name or gender/gender marker do not align with someone's other or more-current documentation, people can have serious difficulty completing certain tasks which require a copy of a marriage certificate. Or perhaps worse, if an outdated marriage certificate is provided that contains a clearly misaligned name or gender, it can serve to 'out' an individual or couple who has perhaps gone through transition, and that outing can result in serious discrimination and wrongful denial of benefits.

It is vital that a simple process exist that allows people to make essential updates to their marriage certificate, and I strongly support this measure. Thank you for hearing this measure which will surely make a big difference in the lives of married people in Hawaii!

The North Shore Koʻolau Diversity Collective is a relatively new and growing grassroots effort working to ensure that our rural Oʻahu communities are welcoming, inclusive, and supportive of māhū, aikāne, and LGBTQ+ individuals and families, and proactive in challenging bigotry, disrespect, discrimination.

We will be following this and other bills relevant to our communities' health and well being closely and hope we can count on your support.

**Organizing Committee** 

Joe Wilson – Elizabeth J. Rago – Michelle Johnson Blimes – Kunane Dreier – Bethany Berry-Weiss – Torrey Lock



# TESTIMONY IN SUPPORT OF HOUSE BILL 485, HD2

Thursday, February 23, 2023, at 1:30 PM Conference Room 308 & Videoconference

- To: The Honorable Kyle T. Yamashita, Chair The Honorable Lisa Kitagawa, Vice Chair Members of the House Committee Finance
- From: The Hawai'i Friends of Civil Rights Co-Chairs Amy Agbayani and Pat McManaman

The Hawai'i Friends of Civil Rights works to achieve equity, justice, inclusion, uphold civil rights, and eliminate discrimination.

This measure aligns with existing Hawai'i laws that allow gender options regarding

government identification and permits transgender persons the ability to correct their marriage certificates to accurately reflect their gender identity.

Without this amendment, a transexual person's driver's license may, for example, reflect a different identity from their marriage certificate. At a time when accurate identity documents are essential to negotiating almost every aspect of our daily lives, this simple amendment will permit the alignment of identity documents and facilitate travel, and other aspects of daily life.

Thank you for the opportunity to support this important measure.

Submitted on: 2/22/2023 12:07:31 PM Testimony for FIN on 2/23/2023 1:30:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Pride at Work - Hawaii	Pride @ Work - Hawaii	Support	Written Testimony Only

Comments:

Aloha Representatives,

Pride at Work – Hawai'i is an official chapter of Pride At Work which is a national nonprofit organization that represents LGBTQIA+ union members and their allies. P@W-HI fully supports HB 485 HD 2.

We ask that you support this needed piece of legislation.

Mahalo,

Pride at Work – Hawai'i



## **To: Committee on Finance**

# Hearing Date/Time: Thursday February 23, 2023 1:30 PM

Re: Testimony in Support of HB 485

# From: Heather Lusk, Hawaii Health and Harm Reduction Center

Dear Chair Yamashita, Vice Chair Kitigawa and members of the committee

The Hawaii Health & Harm Reduction Center (HHHRC) strongly supports HB 485 which would allow individuals to change their gender and/or name on their marriage certificate to represent their identity. While Hawaii has many other laws and policies that allow for the transgender community to get their birth certificate, driver's license and other documents updated, marriage certificates are not currently included. The passage of HB 485 addresses this gap and would help address the stigma associated with not having legal documents aligned with one's gender identity.

HHHRC's mission is to reduce harm, promote health, create wellness and fight stigma in Hawaii and the Pacific. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBQ and the Native Hawaiian communities.

HHHRC's transgender health program, Kua`ana, has worked tirelessly over the past few years to help our transgender community get their legal documents (birth certificates and driver's license) with their accurate names and gender markers and will support this effort once the bill becomes law.

Thank you for the opportunity to testify.

Heather Lusk, Executive Director, Hawaii Health and Harm Reduction Center

Submitted on: 2/21/2023 10:08:19 AM Testimony for FIN on 2/23/2023 1:30:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Cards Pintor	Individual	Support	Written Testimony Only

Comments:

As someone that is a part of the LGBTQIA+ community, I fully support this bill and thank everyone that has made this bill possible.

Submitted on: 2/21/2023 12:40:16 PM Testimony for FIN on 2/23/2023 1:30:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
cheryl B.	Individual	Support	Written Testimony Only

Comments:

I SUPPORT this bill to continue to be proactive in protecting and ensuring the rights of our transgender community. I SUPPORT that department of health

to issue new marriage certificates to reflect changes in both name and gender upon receipt of the required supporting documentation.

Committee:	House Committee on Finance
Bill Number:	HB 485 HD2
Hearing Date/Time:	February 23, 2023, 1:30pm
Subject:	Testimony in STRONG SUPPORT of HB 485, Relating to Marriage

Aloha Chair Yamashita, Vice Chair Kitagawa, and Esteemed Committee Members:

Thank you all for allowing the opportunity to provide testimony on HB 485. My name is Abby Simmons from Honolulu, and I am writing today in support of HB 485 to create a process for name and gender marker change on Hawai'i marriage certificates.

Marriage Certificates are vital for handling affairs, legal and financial concerns, or for traveling internationally. Some examples of use:

- Sharing and applying for health or other insurance benefits
- Applying for a loan or mortgage
- Arranging property succession to a spouse
- Giving tax-free gifts to a spouse

My spouse and I married on May 1, 2018, here in Hawai'i. In 2020 I began my transition, completing my legal name and gender change in 2021. The process involved updating many documents, after legally changing my name:

- My Hawai'i driver's license
- Passport
- Social Security record and card
- my employer file
- all of my bank and credit accounts
- University undergraduate and graduate record of degrees
- Various Insurance Coverages, etc.
- Medical records

The only government identity record I was not able to update was our Marriage Certificate.

Being able to update a Marriage Certificate with correct name and gender is essential in preventing transgender individuals from being outed when presenting the certificate for the many reasons listed above. When a transgender individual or couple are outed, they risk harassment and discrimination. The appearance of an individual's old name and gender marker is an injustice due to the social stigma and discrimination that transgender people face.

This injustice can be remedied effectively by issuing a corrected marriage certificate listing current legal name and gender. For this reason, I would like to ask you all to support this legislation.

Thank you all for your time and consideration on testimony for HB 485.

Sincerely,

Abby Simmons

# <u>HB-485-HD-2</u>

Submitted on: 2/21/2023 6:21:40 PM Testimony for FIN on 2/23/2023 1:30:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Thaddeus Pham	Individual	Support	Written Testimony Only

Comments:

Dear Chair Yamashita, Vice Chair Kitagawa, and members of the committee,

As a concerned citizen and public health professional, I strongly support HB 485 which would allow individuals to change their gender and/or name on their marriage certificate to represent their identity. Hawai'i has established laws and policies that allow for people of all genders to get their birth certificate, driver's license and other documents updated, but marriage certificates are not currently included. The passage of HB 485 addresses this gap and would help address the stigma associated with not having legal documents aligned with one's gender identity.

This bill has implications is important for consistency of state documentation and policy as well as for equity, especially given alarming efforts to stigmatize and harm gender-diverse people in Hawai'i

With thanks,

Thaddeus Pham (he/him)

Aloha Chair Yamashita, Vice Chair Kitagawa, and members of the committee,

My name is Breanna Zoey and I am writing in **STRONG SUPPORT** for HB485, which would help ensure that people have a navigable process by which they can update Hawaii marriage certificates in the event they need to correct or update basic information which may have changed after their current certificate was issued, such as name and/or sex/gender-related details

Marriage certificates can be very important documents that need to be provided periodically, such as when applying for insurance or employment benefits, bank accounts, and mortgages just to name a few things. When the information on a marriage certificate such as name or gender/gender marker do not align with someone's other and more-current documentation, people can encounter serious problems. Or, if an outdated marriage certificate is provided that contains a clearly misaligned name or gender, it can serve to 'out' an individual or couple who has perhaps gone through a transition, and that outing can result in harm, discrimination and the wrongful and unjust denial of benefits.

Hawaii has processes that allow individuals to make similar updates to other records, such as drivers licenses and to an extent birth certificates, and the federal government also has processes that allow for similar updates on federal identification. While those processes are not always perfect nor do they cover every single official state/federal document that a person may need to update, there is no reason why we should not allow for a process to update a marriage certificate.

It is vital that a simple process exist that allows people to make essential updates to their marriage certificate, and I strongly support this measure. Thank you for hearing this measure which will surely make a big difference in the lives of married people in Hawaii!



Submitted on: 2/21/2023 6:39:44 PM Testimony for FIN on 2/23/2023 1:30:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Alan R. Spector	Individual	Support	Written Testimony Only

Comments:

I support this bill. I suggest that it be amended to also include civil union certificates in addition to marriage certificates.

Alan R. Spector, Kaneohe

HB-485-HD-2 Submitted on: 2/21/2023 7:52:06 PM Testimony for FIN on 2/23/2023 1:30:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Support for the reasons described in the bill.

Submitted on: 2/21/2023 11:44:51 PM Testimony for FIN on 2/23/2023 1:30:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Rita L Y Kaku	Individual	Support	Written Testimony Only

Comments:

I am in support of this bill to allow trans couples to be able to update their marriage license to what is appropriate. It gives them rights normal for married couples and avoids discrimination or embarrassing questions. This is no different than a person legally changing their name or to change their gender on a birth certificate. Please allow this bill to proceed, because love between 2 adults should be equal for all.

Thank you,

Rita Kaku

#### HB-485-HD-2 Submitted on: 2/22/2023 7:58:23 AM Testimony for FIN on 2/23/2023 1:30:00 PM

Submitted By	Organization	<b>Testifier</b> Position	Testify
Amanda Martinez	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Yamashita, Vice Chair Kitagawa, and members of the committee,

# 1. am testifying in STRONG SUPPORT for HB485.

The bill creates a process that would allow for the change of name and gender on the Marriage Certificate. This bill is important for individuals and their families, who have transitioned after getting married.

The marriage certificate is used for many reasons, such as applying for health and insurance benefits, new employment (benefits), bank accounts and applying for a mortgage or loan.

Forcing trans couples/families to present a marriage certificate that deadnames and misrepresents their legal gender can result in harm such as discrimination and being involuntarily outed.

Currently there is no way to update this vital and legal record unless the transition happens within 4 weeks of marriage.

This bill would simply match legal name and gender in the marriage certificate to other state and federal issued ids.

Thanks,

Amanda

Committee:	House Committee on Finance
Bill Number:	HB 485
Hearing Date/Time:	February 23, 2023, 1:30 p.m.
Subject:	Testimony in STRONG SUPPORT of HB 485, Relating to Marriage

Aloha Chair Yamashita, Vice Chair Kitagawa, and Committee Members:

Thank you all for allowing the opportunity to provide testimony on HB 485. My name is Sarah Simmons of Moanalua and I am writing today in support of HB 485 to create a process for name and gender marker change on Hawai'i marriage certificates.

Twenty four years ago I was lucky to meet the love of my life while in college, and in 2018 we finally married here in Hawai'i. In 2020, my spouse decided to begin the process of transitioning to their new gender identity and legal name change. We had many discussions on this as a couple, and I have always been in full support and love while we underwent the process of transitioning together. I know that not all couples are able to survive this kind of change, but I love my spouse and I am committed to them regardless of their gender.

The process of changing your name and gender markers is not an easy one to navigate, but she pushed through. The one final document we feel we need for the future is an update to our marriage certificate. There is no process currently in place for this record to be updated, and for our marriage and for other couples in the future I want our state to craft a mechanism for name and gender markers to be updated. A marriage certificate is a vital document that follows us through our lives, and when we have to give copies of that document to prove our marriage to other agencies it is not right for us to have to deadname my spouse or explain their transition each time.

The need for all vital records documents to be updateable for name and gender changes is vital for fairness to myself and other couples seeking to have their legal marriage certificates reflect their current legal names and genders. This change should have little to no fiscal impact to the state, and I believe it makes sense for the Department of Health to comply with expanded gender and name change processes that are utilized currently in other state offices for marriage certificates. I would like to ask you all to support this legislation to allow those who have changed their names and gender markers to update their marriage certificates.

Thank you all for your time and consideration on testimony for HB 485.

Sincerely,

Sarah Simmons Honolulu, HI 96818

Submitted on: 2/22/2023 8:36:21 AM Testimony for FIN on 2/23/2023 1:30:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
D. Keali?i MacKenzie	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Yamashita, Vice Chair Kitagawa, and members of the committee,

#### I am testifying in STRONG SUPPORT for HB485.

The bill creates a process that would allow for the change of name and gender on the Marriage Certificate. This bill is important for individuals and their families, who have transitioned after getting married.

The marriage certificate is used for many reasons, such as applying for health and insurance benefits, new employment (benefits), bank accounts and applying for a mortgage or loan.

Forcing trans couples/families to present a marriage certificate that deadnames and misrepresents their legal gender can result in harm such as discrimination and being involuntarily outed.

Currently there is no way to update this vital and legal record unless the transition happens within 4 weeks of marriage.

This bill would simply match legal name and gender in the marriage certificate to other state and federal issued ids.

Thanks,

D. Keali'i MacKenzie

Aloha Chair Yamashita, Vice Chair Kitagawa, and members of the committee,

I am testifying in **STRONG SUPPORT** for HB485, which creates a process that would allow for the change of name and gender on the Marriage Certificate. Currently there is no way to update this vital and legal record unless the transition happens within 4 weeks of marriage.

This bill is important for individuals who have transitioned after getting married to their partner. The marriage certificate is used for a multitude of reasons necessary to improve their physical, financial, and overall health. Marriage certificates are used to apply for health and insurance benefits (a basic human right), new employment benefits (necessary to maintain a stable living in the state, bank accounts, applying for different loans, and many more!

An individual forced to present a document with their DEAD name cand gender they no longer identify with as can result in severe discrimination and mental health trauma. I've seen this firsthand among my family and friends who have transitioned.

Please support HB485!

Mahalo,

Anika Martin (she/her)

Submitted on: 2/22/2023 10:31:27 AM Testimony for FIN on 2/23/2023 1:30:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Cindy Goo	Individual	Support	Written Testimony Only

Comments:

I'm writing in support of HB485.

Hawaii as our host culture has always recognized all identities of its people. Hawaii, as a State, has also done so.

It is the State's responsibility to continue to support all identities by changing/updating processes that would inhibit any identity from fully benefiting any services that are enjoyed by the "traditional" genders.

Marriage certificates are legal documents that are required by a number of entities and by not allowing transgendered people to update these documents denies them participation in benefits and puts them at a disadvantage.

Allowing them to update their information also empowers them as individuals and with strong individuals, we have strong communities.

Support this bill!

Thank you,

Cindy Goo

Submitted on: 2/22/2023 3:58:12 PM Testimony for FIN on 2/23/2023 1:30:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Ezra Levinson	Individual	Support	Written Testimony Only

Comments:

Chair Yamashita, Vice Chair Kitagawa, members of the Committee,

I am testifying in **strong support** of HB485, for its material impact on the law in the State of Hawaii but especially **for its findings enumerated at the start of Section 1.** There is a burgeoning reactionary movement in Hawaii – itself a part of a similar tendency outside these islands – that aims to stigmatize and persecute those who do not conform to traditional sexual and gender norms. It is critical that members of the legislature publicly support transgender residents of Hawaii as well as the broader LGBT+ community during this time.

On Valentine's Day, a member of this House of Representatives chose to hold a rally at the Capitol with a guest speaker from "Gays Against Groomers," **a group funded and run by right-wing operatives** and linked to the Q-Anon conspiracy theory. **I left my high school between classes to attend the rally as a counter-protester** and was **verbally harassed and physically intimidated** by individuals supporting this Representative and associated groups.

I include this in my testimony because I feel you ought to know that **groups are organizing to** intimidate and harm marginalized people here in Hawaii. Last week they were doing so while many of you sat in your offices mere feet away.

We are in the midst of a global crisis for LGBT+ people and other marginalized groups as rightwing reactionaries organize to censor, stigmatize, and otherwise repress our communities. During this time **it is crucial that we not only oppose and repudiate discrimination and intolerance, but also act in meaningful ways to create safety and security for marginalized communities including LGBT+ people and particularly transgender individuals.** This bill can be an early step in that effort.

Ezra Levinson Age 18 Kailua, HI

Submitted on: 2/22/2023 9:03:10 PM Testimony for FIN on 2/23/2023 1:30:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Dylan Ramos	Individual	Support	Written Testimony Only

Comments:

Aloha,

As explained in Section 1 of HB485, this bill is a natural next step for Hawaii after passing Act 148. This common sense legislation affords our community of transgender and non-binary citizens the dignity and basic, legally significant right to have official documents that match their identities.

Mahalo,

Dylan Ramos

96816

Submitted on: 2/22/2023 9:57:20 PM Testimony for FIN on 2/23/2023 1:30:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Testify
Anthony Makana Paris	Individual	Support	Written Testimony Only

Comments:

Aloha:

I support HB 485 which would allow our community members to change their gender, name, or both on their marriage certificate to appropriately represent their identity.

Mahalo.

Me ke aloha,

Anthony Makana Paris