

A Bill for an Act Relating to Licensing.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that marriage in the United States is a civil institution and the right to marry belongs to citizens without regard to their moral beliefs or religious creed. However, apart from justices, judges, or magistrates, state law requires a marriage officiant to be affiliated with or ordained by a religious denomination or society. While those with a religious affiliation may have their trusted pastor or minister officiate their wedding, those without a religious affiliation are legally unable to have a trusted friend or mentor officiate their wedding.

The purpose of this Act is to broaden who may solemnize marriage by authorizing the issuance of civil licenses and allowing this rite to be performed by persons without requiring a religious affiliation for those families who may not share one.

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

“**§572-12 By whom solemnized.** (a) A license to solemnize marriages may be issued to, and the marriage rite may be performed and solemnized by ~~any~~;

- (1) Any minister, priest, or officer of any religious denomination or society who has been ordained or is authorized to solemnize marriages according to the usages of ~~[such]~~ that denomination or society~~[-or any]~~;
- (2) Any religious society not having clergy but providing solemnization in accordance with the rules and customs of that society~~[-or any]~~; or
- (3) Any justice or judge or magistrate, active or retired, of a state or federal court in the State,

upon presentation to ~~[such]~~ the person or society solemnizing the marriage of a license to marry, as prescribed by this chapter. ~~[Such]~~ A person or society licensed to solemnize a marriage may receive the price stipulated by the parties or ~~[the gratification]~~ any gratuity tendered.

(b) A civil license to solemnize marriages may be issued to, and the marriage rite may be performed and solemnized by, any individual at least eighteen years of age, upon presentation to the individual of a license to marry, as prescribed by this chapter. An individual with a civil license to solemnize a marriage may receive the price stipulated by the parties or any gratuity tendered. The civil license shall be valid for no less than two years from the date of its issuance; provided that a temporary three-month civil license may be issued upon an individual's request. The fee for a civil license shall be \$100 per year the permit is valid; provided that the fee for a temporary three-month license shall be \$25. An individual who performs a solemnization of a marriage pursuant to a civil license issued under this subsection shall obtain the prior written consent of each person for whom a solemnization is performed and fulfill all provisions of sections 572-13 and 572-15 applicable to persons authorized to solemnize marriages.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved July 6, 2021.)