
A BILL FOR AN ACT

RELATING TO PERSONAL RELATIONSHIPS.

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

1 SECTION 1. Chapter 572, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§572- Private solemnization not unlawful. Nothing in
5 this chapter shall be construed to render unlawful, or otherwise
6 affirmatively punishable at law, the solemnization or refusal to
7 solemnize any marriage by any entity for any reason; provided
8 that nothing in this section shall be construed to confer any of
9 the benefits, burdens, or obligations of marriage under the laws
10 of Hawaii."

11 SECTION 2. Chapter 572B, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§572B- Private solemnization not unlawful. Nothing in
15 this chapter shall be construed to render unlawful, or otherwise
16 affirmatively punishable at law, the solemnization or refusal to
17 solemnize any civil union by any entity for any reason; provided
18 that nothing in this section shall be construed to confer any of



1 the benefits, burdens, or obligations of a civil union under the
2 laws of Hawaii."

3 SECTION 3. Section 572-1, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§572-1 Requisites of valid marriage contract.** In order
6 to make valid the marriage contract, [~~which shall be only~~
7 ~~between a man and a woman,~~] it shall be necessary that:

8 (1) The respective parties do not stand in relation to
9 each other of ancestor and descendant of any degree
10 whatsoever, brother and sister of the half as well as
11 to the whole blood, uncle and niece, aunt and nephew,
12 whether the relationship is the result of the issue of
13 parents married or not married to each other or
14 parents who are partners in a civil union or not
15 partners in a civil union;

16 (2) Each of the parties at the time of contracting the
17 marriage is at least sixteen years of age; provided
18 that with the written approval of the family court of
19 the circuit within which the minor resides, it shall
20 be lawful for a person under the age of sixteen years,
21 but in no event under the age of fifteen years, to
22 marry, subject to section 572-2;



- 1 (3) ~~[The man]~~ Either person does not at the time have any
2 lawful ~~[wife]~~ spouse or civil union partner living
3 ~~[and that the woman does not at the time have any~~
4 ~~lawful husband or civil union partner living]~~;
- 5 (4) Consent of neither party to the marriage has been
6 obtained by force, duress, or fraud;
- 7 (5) Neither of the parties is a person afflicted with any
8 loathsome disease concealed from, and unknown to, the
9 other party; and
- 10 (6) The ~~[man and woman]~~ two persons to be married in the
11 State shall have duly ~~[obtained a license]~~ submitted a
12 completed application for that purpose ~~[from the]~~ to
13 an agent appointed to [grant marriage licenses, and
14 ~~(7) The marriage ceremony be performed in the State by a~~
15 ~~person or society with a valid license to solemnize~~
16 ~~marriages and the man and the woman to be married and~~
17 ~~the person performing the marriage ceremony be all~~
18 ~~physically present at the same place and time for the~~
19 ~~marriage ceremony.]~~ receive and certify completion of
20 marriage certificate applications."

21 SECTION 4. Section 572-1.5, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "~~{}~~§572-1.5~~{}~~ **Definition of marriage.** Whenever used in
2 the statutes or other laws of Hawaii, "marriage" means the union
3 ~~[licensed]~~ certified under section 572-1."

4 SECTION 5. Section 572-2, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§572-2 Consent of parent or guardian.** Whenever any
7 person who is under the age of eighteen is to be married, the
8 written consent of ~~[his or her]~~ the applicant's parents, or
9 guardian or other person in whose care and custody ~~[he or she]~~
10 the applicant may be, shall accompany the application for a
11 ~~[license to marry.]~~ marriage certificate. No ~~[license]~~
12 certificate shall be issued to any minor who is under the
13 jurisdiction of the family court without the written consent of
14 a judge of ~~[such]~~ the family court."

15 SECTION 6. Section 572-3, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§572-3 Contracted without the State.** Marriages between
18 ~~[a man and a woman]~~ two persons legal in the country where
19 contracted shall be held legal in the courts of this State."

20 SECTION 7. Section 572-5, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~§572-5~~ Marriage [~~license~~] certificate application; agent
2 to [~~grant~~]; receive; fee. (a) The department of health shall
3 appoint, and at its pleasure remove, one or more suitable
4 persons as agents authorized to [~~grant marriage licenses~~]
5 receive and certify completion of marriage certificate
6 applications under this chapter in each judicial circuit. The
7 agents may [~~issue licenses~~] receive and certify completion of
8 applications from any state facility when deemed necessary by
9 the director. Any agent appointed under this subsection and
10 receiving an application for a marriage [~~license~~] certificate
11 shall collect from the applicant for the [~~license~~] certificate
12 \$60, of which the agent, except those provided for in subsection
13 (b), shall retain \$9 for the agent's benefit and compensation
14 and shall remit \$51 to the director of health. Upon the receipt
15 of remittances under this subsection, the director of health
16 shall deposit:

17 (1) \$32 for each [~~license~~] certificate issued to the
18 credit of the general fund of the State;

19 (2) \$4.50 for each [~~license~~] certificate issued to the
20 credit of the spouse and child abuse special account
21 established under section 346-7.5;



1 (3) \$4.50 for each [~~license~~] certificate issued to the
2 credit of the spouse and child abuse special account
3 established under section 601-3.6; and

4 (4) \$10 for each [~~license~~] certificate issued to the
5 credit of the birth defects special fund established
6 under section 321-426.

7 (b) The department may appoint, as regular employees under
8 the civil service and classification laws, the number of
9 suitable persons as agents authorized to [~~grant marriage~~
10 ~~licenses~~] receive and certify completion of marriage certificate
11 applications for whom provision has been made in the general
12 appropriation act. In the case of these agents, the full amount
13 collected from applicants shall be remitted to the director of
14 health. Upon the receipt of remittances under this subsection,
15 the director of health shall deposit:

16 (1) \$41 for each [~~license~~] certificate issued to the
17 credit of the general fund of the State;

18 (2) \$4.50 for each [~~license~~] certificate issued to the
19 credit of the spouse and child abuse special account
20 established under section 346-7.5;



1 (3) \$4.50 for each [~~license~~] certificate issued to the
2 credit of the spouse and child abuse special account
3 established under section 601-3.6; and

4 (4) \$10 for each [~~license~~] certificate issued to the
5 credit of the birth defects special fund established
6 under section 321-426.

7 (c) Every agent appointed under this section may
8 administer the oaths required by this chapter to be taken.

9 (d) The department or its authorized agents shall furnish
10 to each applicant for a marriage [~~license~~] certificate a
11 brochure explaining rubella, the risks of infection with rubella
12 during pregnancy, and how to seek testing and immunization. The
13 department or its authorized agents shall also furnish to each
14 applicant for a marriage [~~license~~] certificate information, to
15 be provided by the department, relating to population
16 stabilization, family planning, birth control, fetal alcohol and
17 drug syndromes, and acquired immune deficiency syndrome (AIDS),
18 including the availability of anonymous testing for human
19 immunodeficiency virus (HIV) infection at alternate test sites;
20 provided that [~~such~~] the information is available.

21 (e) In addition to the fee prescribed under subsection
22 (a), the agent, except those provided for in subsection (b),



1 shall collect from the applicant for the [~~license~~] certificate a
2 surcharge of \$5, of which the agent shall retain the full amount
3 for the agent's additional benefit and compensation."

4 SECTION 8. Section 572-6, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§572-6 Application; [~~license~~] certificate; limitations.**

7 To secure a [~~license to marry,~~] marriage certificate, the
8 persons applying for the [~~license~~] certificate shall appear
9 personally before an agent authorized to [~~grant marriage~~
10 licenses] receive and certify completion of marriage certificate
11 applications and shall file with the agent an application in
12 writing. The application shall be accompanied by a statement
13 signed and sworn to by each of the persons, setting forth: the
14 person's full name, date of birth, social security number,
15 residence; their relationship, if any; the full names of
16 parents; and that all prior marriages, if any, have been
17 dissolved by death or dissolution. If all prior marriages have
18 been dissolved by death or dissolution, the statement shall also
19 set forth the date of death of the last prior spouse or the date
20 and jurisdiction in which the last decree of dissolution was
21 entered. Any other information consistent with the standard
22 marriage certificate as recommended by the Public Health



1 Service, National Center for Health Statistics, may be requested
2 for statistical or other purposes, subject to approval of and
3 modification by the department of health; provided that the
4 information shall be provided at the option of the applicant and
5 no applicant shall be denied a [~~license~~] certificate for failure
6 to provide the information. [~~The agent shall indorse on the~~
7 ~~application, over the agent's signature, the date of the filing~~
8 ~~thereof and shall issue a license which shall bear on its face~~
9 ~~the date of issuance. Every license shall be of full force and~~
10 ~~effect for thirty days commencing from and including the date of~~
11 ~~issuance. After the thirty day period, the license shall become~~
12 ~~void and no marriage ceremony shall be performed thereon.]~~

13 It shall be the duty of every person, legally authorized to
14 [~~grant licenses to marry,~~] receive and certify completion of
15 marriage certificate applications to immediately report the
16 [~~issuance~~] receipt of every marriage [~~license~~] certificate
17 application to the agent of the department of health in the
18 district in which the [~~license~~] certificate is issued, setting
19 forth all facts required to be stated in [~~such~~] the manner and
20 on [~~such~~] a form as the department may prescribe."

21 SECTION 9. Section 572-9, Hawaii Revised Statutes, is.
22 amended to read as follows:



1 "§572-9 **Persons under age.** Whenever any person who is
2 under the age of eighteen, whose parents are dead, or who is a
3 ward of a family court, applies for a [~~license to marry,~~]
4 marriage certificate, he or she shall set forth in the statement
5 accompanying the application, the name of [~~his or her~~] the
6 applicant's guardian or of any other person in whose care and
7 custody [~~he or she~~] the applicant may be."

8 SECTION 10. Section 572-10, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§572-10 **Applicant apparently under age.** If any applicant
11 for a [~~license to marry~~] marriage certificate appears to any
12 agent to be under the age of eighteen years, the agent shall,
13 before [~~granting a license to marry,~~] receiving and certifying
14 completion of a marriage certificate application, require the
15 production of a certificate of birth or other satisfactory proof
16 showing the age of the applicant."

17 SECTION 11. Section 572-15, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§572-15 **Delivery of records to department of health;**
20 **penalty.** Whenever any agent authorized to [~~grant marriage~~
21 ~~licenses~~] receive and certify completion of marriage certificate
22 applications ceases to be an agent, or is directed to do so by



1 the department of health, or leaves the State, the agent shall
2 deliver to the department all the agent's records of marriage
3 [~~licenses.~~] certificate applications. Upon the death of any
4 such agent such records shall be delivered to the department by
5 the agent's personal representative or other legal
6 representative.

7 ~~[Whenever any person holding a license to perform the
8 marriage ceremony is directed to do so by the department, or
9 whenever the license is canceled or otherwise terminated or upon
10 the departure from the State of any such person, the person
11 shall deliver to the department all the person's records of
12 marriages, or upon the death of any such person such records
13 shall be delivered to the department by the person's personal
14 representative, or other legal representative.]~~

15 Any person violating this section shall be fined not more
16 than \$500."

17 SECTION 12. Section 572B-4.5, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) Any rights, benefits, protections, or
20 responsibilities created by [~~the solemnization of~~] entering into
21 a civil union that were not included within a reciprocal



1 beneficiary relationship shall be recognized as of the date the
2 civil union was [~~solemnized.~~] entered into."

3 SECTION 13. Section 572B-5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§572B-5 Applicants for civil union; license required;
6 limitations.** [~~(a)~~] No persons may be joined in a civil union in
7 this State unless both partners have:

8 (1) Met the requirements of section 572B-2; and

9 (2) Complied with section 572B-6 and, if applicable,
10 section 572B-7 [~~, and~~

11 ~~(3) Been issued a license by an agent, which license shall
12 bear the certification of the agent that the persons
13 named therein have met the requirements of section
14 572B-2 and have complied with section 572B-6 and, if
15 applicable, section 572B-7.~~

16 ~~(b) The license, when certified by the agent, is
17 sufficient authority for any person authorized to perform a
18 civil union solemnization in this State to join the persons in a
19 civil union; provided that the solemnization is performed not
20 more than thirty days after the date of issuance. The license
21 shall become void thirty days after issuance]."~~



1 SECTION 14. Section 572B-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§572B-6 Application for [~~license~~] certificate for persons
4 who wish to enter into a civil union; fee. (a) No [~~license for~~
5 a] civil union certificate may be issued by an agent until both
6 applicants have appeared before the agent and applied for the
7 [~~license-~~] certificate. The application for the [~~license~~]
8 certificate shall be completed in its entirety, dated, signed,
9 and sworn to by each applicant and shall state each applicant's
10 full name, date of birth, birthplace, residence, social security
11 number, whether single, widowed, or divorced, and whether the
12 applicant is under the supervision or control of a conservator
13 or guardian. If the application is signed and sworn to by the
14 applicants on different dates, the earlier date shall be deemed
15 the date of the application. The agent shall issue a copy of
16 this chapter to any person applying for a [~~license-~~]
17 certificate.

18 (b) The fee for a [~~license to enter into a~~] civil union
19 certificate shall be an amount equal to the amount prescribed in
20 section 572-5, and all amounts collected pursuant to section
21 321-1(g) as application fees under this chapter shall be



1 retained or remitted and apportioned in the same manner as
2 prescribed in section 572-5."

3 SECTION 15. Section 572B-7, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) No civil union [~~license~~] certificate may be issued to
6 any applicant under the supervision or control of a conservator
7 or guardian, appointed in accordance with chapter 560, unless
8 the written consent of the conservator or guardian is signed,
9 notarized, and filed with the agent."

10 SECTION 16. Section 572B-9, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "[~~+~~]**\$572B-9[+]** **Benefits, protections, and**
13 **responsibilities.** Partners to a civil union lawfully entered
14 into pursuant to this chapter shall have all the same rights,
15 benefits, protections, and responsibilities under law, whether
16 derived from statutes, administrative rules, court decisions,
17 the common law, or any other source of civil law, as are granted
18 to those who contract [~~+~~] and obtain a [~~license, and are~~
19 ~~solemnized~~] certificate pursuant to chapter 572."

20 SECTION 17. Section 572C-7, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:



1 "(c) A reciprocal beneficiary relationship shall
2 automatically terminate when:

3 (1) Either party to the reciprocal beneficiary
4 relationship enters into a marriage or civil union
5 ~~[solemnized by a person licensed by the department of~~
6 ~~health]; or~~

7 (2) Either party to the reciprocal beneficiary
8 relationship enters into a union outside the State
9 that is recognized by law as a marriage or civil union
10 in the State."

11 SECTION 18. Section 578-2, Hawaii Revised Statutes, is
12 amended by amending subsection (d) to read as follows:

13 "(d) Presumption of paternity. A man is presumed to be
14 the natural father of a child if:

15 (1) He and the child's natural mother are or have been
16 married to each other and the child is born during the
17 marriage, or within three hundred days after the
18 marriage is terminated by death, annulment,
19 declaration of invalidity, or divorce, or after a
20 decree of separation is entered by a court;

21 (2) Before the child's birth, he and the child's natural
22 mother have attempted to marry each other ~~[by a~~



1 ~~marriage solemnized~~] in apparent compliance with law,
2 although the attempted marriage is or could be
3 declared invalid, and:

4 (A) If the attempted marriage could be declared
5 invalid only by a court, the child is born during
6 the attempted marriage, or within three hundred
7 days after its termination by death, annulment,
8 declaration of invalidity, or divorce; or

9 (B) If the attempted marriage is invalid without a
10 court order, the child is born within three
11 hundred days after the termination of
12 cohabitation;

13 (3) After the child's birth, he and the child's natural
14 mother have married, or attempted to marry, each other
15 [~~by a marriage solemnized~~] in apparent compliance with
16 law, although the attempted marriage is or could be
17 declared invalid; and

18 (A) He has acknowledged his paternity of the child in
19 writing filed with the department of health;

20 (B) With his consent he is named as the child's
21 father on the child's birth certificate; or



1 (C) He is obligated to support the child under a
2 written voluntary promise or by court order;
3 (4) While the child is under the age of majority, he
4 receives the child into his home and openly holds out
5 the child as his natural child; or
6 (5) He acknowledges his paternity of the child in writing
7 filed with the department of health, which shall
8 promptly inform the mother of the filing of the
9 acknowledgment, and she does not dispute the
10 acknowledgment within a reasonable time after being
11 informed thereof, in a writing filed with the
12 department of health. If another man is presumed
13 under this section to be the child's father,
14 acknowledgment may be effected only with the written
15 consent of the presumed father or after the
16 presumption has been rebutted. If the acknowledgment
17 is filed and not disputed by the mother and if another
18 man is not presumed under this section to be the
19 child's father, the department of health shall prepare
20 a new certificate of birth in accordance with chapter
21 338."



1 SECTION 19. Section 580-28, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§580-28 **Physical incapacity.** An action to annul the
4 marriage on the ground of physical incapacity of one of the
5 parties at the time of marriage, shall only be maintained by the
6 injured party, against the party whose incapacity is alleged,
7 and shall in all cases be brought within two years from the
8 [~~solemnization~~] date of the marriage."

9 SECTION 20. Section 584-4, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) A man is presumed to be the natural father of a child
12 if:

13 (1) He and the child's natural mother are or have been
14 married to each other and the child is born during the
15 marriage, or within three hundred days after the
16 marriage is terminated by death, annulment,
17 declaration of invalidity, or divorce, or after a
18 decree of separation is entered by a court;

19 (2) Before the child's birth, he and the child's natural
20 mother have attempted to marry each other [~~by a~~
21 ~~marriage solemnized~~] in apparent compliance with law,

1 although the attempted marriage is or could be
2 declared invalid, and:

3 (A) If the attempted marriage could be declared
4 invalid only by a court, the child is born during
5 the attempted marriage, or within three hundred
6 days after its termination by death, annulment,
7 declaration of invalidity, or divorce; or

8 (B) If the attempted marriage is invalid without a
9 court order, the child is born within three
10 hundred days after the termination of
11 cohabitation;

12 (3) After the child's birth, he and the child's natural
13 mother have married, or attempted to marry, each other
14 [~~by a marriage solemnized~~] in apparent compliance with
15 law, although the attempted marriage is or could be
16 declared invalid, and:

17 (A) He has acknowledged his paternity of the child in
18 writing filed with the department of health;

19 (B) With his consent, he is named as the child's
20 father on the child's birth certificate; or

21 (C) He is obligated to support the child under a
22 written voluntary promise or by court order;



- 1 (4) While the child is under the age of majority, he
2 receives the child into his home and openly holds out
3 the child as his natural child;
- 4 (5) Pursuant to section 584-11, he submits to court
5 ordered genetic testing and the results, as stated in
6 a report prepared by the testing laboratory, do not
7 exclude the possibility of his paternity of the child;
8 provided the testing used has a power of exclusion
9 greater than 99.0 per cent and a minimum combined
10 paternity index of five hundred to one; or
- 11 (6) A voluntary, written acknowledgment of paternity of
12 the child signed by him under oath is filed with the
13 department of health. The department of health shall
14 prepare a new certificate of birth for the child in
15 accordance with section 338-21. The voluntary
16 acknowledgment of paternity by the presumed father
17 filed with the department of health pursuant to this
18 paragraph shall be the basis for establishing and
19 enforcing a support obligation through a judicial
20 proceeding."

21 SECTION 21. Section 572-11, Hawaii Revised Statutes, is
22 repealed.



1 ~~["§572-11 Marriage ceremony; license to solemnize. It~~
2 ~~shall not be lawful for any person to perform the marriage~~
3 ~~ceremony within the State without first obtaining from the~~
4 ~~department of health a license to solemnize marriages."]~~

5 SECTION 22. Section 572-12, Hawaii Revised Statutes, is
6 repealed.

7 ~~["§572-12 By whom solemnized. A license to solemnize~~
8 ~~marriages may be issued to, and the marriage rite may be~~
9 ~~performed and solemnized by any minister, priest, or officer of~~
10 ~~any religious denomination or society who has been ordained or~~
11 ~~is authorized to solemnize marriages according to the usages of~~
12 ~~such denomination or society, or any religious society not~~
13 ~~having clergy but providing solemnization in accordance with the~~
14 ~~rules and customs of that society, or any justice or judge or~~
15 ~~magistrate, active or retired, of a state or federal court in~~
16 ~~the State, upon presentation to such person or society of a~~
17 ~~license to marry, as prescribed by this chapter. Such person or~~
18 ~~society may receive the price stipulated by the parties or the~~
19 ~~gratification tendered."]~~

20 SECTION 23. Section 572-13, Hawaii Revised Statutes, is
21 repealed.

1 ~~["§572-13 Record of solemnization; marriages, reported by~~
2 ~~whom; certified copies. (a) Recordkeeping. Every person~~
3 ~~authorized to solemnize marriage shall make and preserve a~~
4 ~~record of every marriage by the person solemnized, comprising~~
5 ~~the names of the man and woman married, their place of~~
6 ~~residence, and the date of their marriage.~~

7 ~~Every person authorized to solemnize marriage, who neglects~~
8 ~~to keep a record of any marriage by the person solemnized shall~~
9 ~~be fined \$50.~~

10 ~~(b) Marriages, reported by whom. It shall be the duty of~~
11 ~~every person, legally authorized to perform the marriage~~
12 ~~ceremony, to report within three business days every marriage~~
13 ~~ceremony, performed by the person, to the agent of the~~
14 ~~department of health in the district in which the marriage takes~~
15 ~~place setting forth all facts required to be stated in a~~
16 ~~standard certificate of marriage, the form and contents of which~~
17 ~~shall be prescribed by the department of health.~~

18 ~~(c) Certified copies of certificate of marriage. The~~
19 ~~department of health shall deliver one certified copy of the~~
20 ~~certificate of marriage or the contents or any part thereof as~~
21 ~~provided in section 338-13 to the persons married. The~~



1 ~~certificate shall be prima facie evidence of the fact of~~
2 ~~marriage in any proceeding in any court.~~

3 ~~The department of health shall upon request, furnish to any~~
4 ~~applicant additional certified copies of the certificate of~~
5 ~~marriage or any part thereof.~~

6 ~~Copies of the contents of any certificate on file in the~~
7 ~~department, certified by the department shall be considered for~~
8 ~~all purposes the same as the original.~~

9 ~~The department may prescribe reasonable fees, if any, to be~~
10 ~~paid for certified copies of certificates."]~~

11 SECTION 24. Section 572-13.5, Hawaii Revised Statutes, is
12 repealed.

13 ~~[{"§572-13.5"} **Revocation or suspension of licenses to**~~
14 ~~**solemnize.** Any license to solemnize marriages issued pursuant~~
15 ~~to section 572-12 may be revoked or suspended by the department~~
16 ~~of health, if the holder of the license has failed to comply~~
17 ~~with the applicable provisions of this chapter or of the rules~~
18 ~~of the department of health."]~~

19 SECTION 25. Section 572B-4, Hawaii Revised Statutes, is
20 repealed.

21 ~~[{"§572B-4"} **Solemnization; license to perform; refusal to**~~
22 ~~**join persons in a civil union.** (a) A civil union shall become~~



1 ~~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 or a civil union, may solemnize a civil union. Any~~
6 ~~minister, priest, or officer of any religious denomination or~~
7 ~~society who has been ordained or is authorized to solemnize~~
8 ~~civil unions according to the usages of such denomination or~~
9 ~~society, or any religious society not having clergy but~~
10 ~~providing solemnization in accordance with the rules and customs~~
11 ~~of that society, may solemnize a civil union.~~

12 ~~(c) Nothing in this section shall be construed to require~~
13 ~~any person authorized to perform solemnizations pursuant to~~
14 ~~chapter 572 or civil unions pursuant to this chapter to perform~~
15 ~~a solemnization of a civil union, and no such authorized person~~
16 ~~who fails or refuses for any reason to join persons in a civil~~
17 ~~union shall be subject to any fine, penalty, or other civil~~
18 ~~action for the failure or refusal.~~

19 ~~(d) No agent may solemnize a civil union, nor may any~~
20 ~~assistant or deputy of the agent solemnize a civil union.~~

21 ~~(e) No person shall perform the solemnization of a civil~~
22 ~~union without first having obtained a license from the~~



1 ~~department of health. The department of health shall issue~~
2 ~~licenses to solemnize civil unions in the same manner as it~~
3 ~~issues licenses pursuant to chapter 572. The department of~~
4 ~~health may revoke or suspend a license to solemnize civil~~
5 ~~unions. Any penalties or fines that may be levied or assessed~~
6 ~~by the department of health for violation of chapter 572 shall~~
7 ~~apply equally to a person licensed to solemnize civil unions."]~~

8 SECTION 26. Section 572B-8, Hawaii Revised Statutes, is
9 repealed.

10 [~~§572B-8 Record of solemnization; reported by whom;~~
11 ~~affidavit; evidentiary weight of certificate or affidavit. (a)~~
12 ~~Each person who solemnizes a civil union shall certify upon the~~
13 ~~civil union license certificate all the facts required to be~~
14 ~~stated in a standard certificate of civil union, the form and~~
15 ~~contents of which shall be prescribed by the department of~~
16 ~~health, and return the certificate to the department of health~~
17 ~~within three business days following the solemnization of the~~
18 ~~civil union, or as may otherwise be prescribed by the department~~
19 ~~of health.~~

20 ~~(b) If any person who has solemnized a civil union fails~~
21 ~~to return the certificate to the department of health as~~
22 ~~required under subsection (a), the partners joined in a civil~~



1 ~~union may provide the department of health with a notarized~~
 2 ~~affidavit attesting to the fact that they were joined in a civil~~
 3 ~~union and stating the date and place of the solemnization of the~~
 4 ~~civil union. Upon the receipt of that affidavit by the~~
 5 ~~department of health, the civil union of the partners shall be~~
 6 ~~deemed to be valid as of the date of the solemnization of the~~
 7 ~~civil union stated in the affidavit.~~

8 ~~(c) The certificate required by subsection (a) or an~~
 9 ~~affidavit received pursuant to subsection (b) shall be prima~~
 10 ~~facie evidence of the facts stated therein."]~~

11 SECTION 27. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 28. This Act shall take effect on October 1, 2014.

14

INTRODUCED BY: 

Mel Carrer



Cindy Evans

OCT 28 2013



H.B. NO. 7

Report Title:

Marriage; Civil Unions; Solemnization; Not Required

Description:

Repeals the requirement that a marriage or civil union be solemnized. Indemnifies any entity who performs or refuses to perform, for any reason, a marriage or civil union solemnization.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

