
A BILL FOR AN ACT

RELATING TO SOLEMNIZATION.

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

1 SECTION 1. Act 1, Session Laws of Hawaii 2011, section 2,
2 is amended by amending section -4, relating to solemnization;
3 license to perform; refusal to join persons in a civil union, to
4 read as follows:

5 "§ -4 **Solemnization; license to perform; refusal to join**
6 **persons in a civil union.** (a) A civil union shall become valid
7 only upon completion of a solemnization by a person licensed in
8 accordance with this section.

9 (b) Any judge or retired judge, including a federal judge
10 or judge of another state who may legally join persons in
11 chapter 572 or a civil union, may solemnize a civil union. Any
12 ordained or licensed member of the clergy may solemnize a civil
13 union. Solemnization may be entirely secular or may be
14 performed according to the forms and usages of any religious
15 denomination in this State. Nothing in this section shall be
16 construed to require any person authorized to perform
17 solemnizations of marriages or civil unions to perform a
18 solemnization of a civil union, and no such authorized person



1 who fails or refuses for any reason to join persons in a civil
2 union shall be subject to any fine or other penalty for the
3 failure or refusal.

4 ~~[(c) Nothing in this section shall be construed to require~~
5 ~~any person authorized to perform solemnizations pursuant to~~
6 ~~chapter 572 or civil unions pursuant to this chapter to perform~~
7 ~~a solemnization of a civil union, and no such authorized person~~
8 ~~who fails or refuses for any reason to join persons in a civil~~
9 ~~union shall be subject to any fine or other penalty for the~~
10 ~~failure or refusal.]~~

11 (c) No religious institution or organization shall be
12 required to provide services related to a solemnization or
13 celebration of a same-sex relationship, including a marriage or
14 civil union, if the religious institution or organization finds
15 that the solemnization or celebration is in violation of its
16 religious beliefs or faith. No refusal to provide services that
17 is made in accordance with this subsection shall give rise to
18 any civil claim or cause of action.

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 2. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect on January 2, 2012.



Report Title:

Solemnization; Lawful Refusal

Description:

Allows for religious institutions or organizations to refuse to provide services related to the solemnization of same-sex relationships where the religious institution or organization finds the solemnization to be in violation of its religious beliefs or faith, without becoming subject to civil liability. Effective January 2, 2012. (HB1244 HD1)

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

