

JAN 18 2013

A BILL FOR AN ACT

RELATING TO CIVIL UNIONS.

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

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

3 "[+]§572B-4[+] Solemnization; license to perform; refusal
4 to join persons in a civil union[-]; refusal to allow use of
5 religious facilities. (a) A civil union shall become valid
6 only upon completion of a solemnization by a person licensed in
7 accordance with this section.

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



1 union shall be subject to any fine or other penalty for the
2 failure or refusal.

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

10 (d) Nothing in this section shall be construed to require
11 any religious organization to rent or otherwise allow use of its
12 facilities for the purpose of civil union solemnization or civil
13 union recognition or celebration and no such religious
14 organization shall be subject to any fine or other penalty for
15 the failure or refusal.

16 [~~(d)~~](e) No agent may solemnize a civil union; nor may any
17 assistant or deputy of the agent solemnize a civil union.

18 [~~(e)~~](f) No person shall perform the solemnization of a
19 civil union without first having obtained a license from the
20 department of health. The department of health shall issue
21 licenses to solemnize civil unions in the same manner as it
22 issues licenses pursuant to chapter 572. The department of



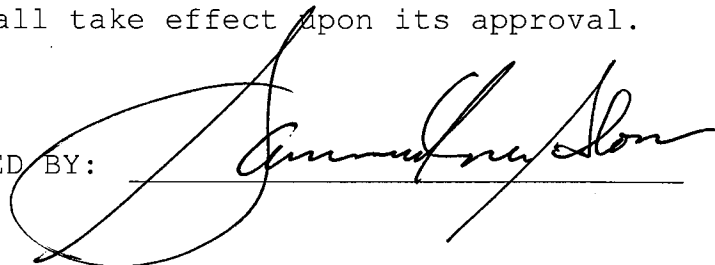
1 health may revoke or suspend a license to solemnize civil
2 unions. Any penalties or fines that may be levied or assessed
3 by the department of health for violation of chapter 572 shall
4 apply equally to a person licensed to solemnize civil unions."

5 SECTION 2. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.

8

INTRODUCED BY:



S.B. NO. 288

Report Title:

Civil Unions; Refusal to Rent Religious Facilities

Description:

Provides that religious organizations are permitted to refuse to rent or otherwise allow use of their facilities for the purpose of civil union solemnization or civil union recognition or celebration and such organizations shall not be not subject to penalty for such refusal.

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