



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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**LATE**

**Testimony COMMENTING on H.B. 2127  
RELATING TO MARRIAGE LICENSING**

REPRESENTATIVE CHRIS LEE, CHAIR  
HOUSE COMMITTEE ON JUDICIARY

Hearing Date and Time: Thursday, February 13, 2020 at 2:05 p.m.

Room: 325

1 **Department Position:** The Department of Health (“Department”) supports the intent of H.B.  
2 2127 and offers an amendment to preserve the neutrality of the marriage law.

3 **Department Testimony:** H.B. 2127 would authorize the issuance of a temporary license to  
4 solemnize marriage and allow solemnization by any individual at least eighteen years of age.

5 Marriage in the United States is a civil institution and the right to marry belongs to citizens  
6 without regard to their particular moral beliefs or religious creed. There is no existing statutory  
7 requirement that marriage be approved by a church or any other religious community. Religious  
8 officials – whether priests, rabbis, ministers, imams, or others – may preside at weddings, but  
9 neither they nor their religions may define what constitutes marriage in the civil arena.

10 Apart from justices, judges, or magistrates, state law requires a marriage officiant to be affiliated  
11 with or ordained by a religious denomination or society. This policy undermines the neutrality  
12 of marriage law that governs everyone equally. By unduly preferring religion over non-religion,  
13 this requirement implicates the Establishment Clause of the First Amendment to the United  
14 States Constitution.

15 In order to preserve the neutrality of the marriage law that governs everyone equally, we would  
16 like the legislature to consider repealing the statutory requirement for the solemnization of  
17 marriage and consider the registration of marriage with the State as the official recognition of the  
18 marriage.

1 We propose that Section 572-12, sections 572-1(7), 572-11, 572-12, 572-12.1, 572-12.2, 572-13,  
2 573-13.5, and 572-15 Hawaii Revised Statutes be repealed.

3 The repeal of the solemnization provision would not prohibit the couple from having a ceremony  
4 celebrating their marriage by whomever they choose.

5 Thank you for the opportunity to testify on this bill.

6 **Fiscal Implications:** None

**HB-2127**

Submitted on: 2/12/2020 1:03:40 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments:

**HB-2127**

Submitted on: 2/11/2020 10:05:16 PM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Urasaki	Individual	Comments	No

Comments:

why not establish a civil officiant catagory, where they may perform ceremonies on a regular basis. It would be permanent.

**HB-2127**

Submitted on: 2/12/2020 12:49:43 AM

Testimony for JUD on 2/13/2020 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gerard Silva	Individual	Oppose	No

Comments: