

STAND. COM. REP. NO.

101

Honolulu, Hawaii

, 2023

**FEB 07**

RE: H.B. No. 485  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Health & Homelessness, to which was referred H.B. No. 485 entitled:

"A BILL FOR AN ACT RELATING TO MARRIAGE,"

begs leave to report as follows:

The purpose of this measure is to require the Department of Health to issue new marriage certificates to reflect changes in both name and gender upon receipt of the required supporting documentation.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Stonewall Caucus of the Democratic Party of Hawai'i, Hawai'i Health & Harm Reduction Center, North Shore Ko'olau Diversity Collective, Pilina Center for Wellbeing, and nineteen individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that marriage certificates are vital records needed for handling domestic affairs, such as health insurance, as well as legal and financial concerns, such as filing taxes or arranging property succession or retirement benefits to a spouse. Your Committee further finds that under existing law, it is difficult and time consuming for those who have completed a legal name and gender change to also change their gender designation on a marriage certificate. This measure is intended

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to reduce confusion and help address the stigma associated with not having legal documents aligned with a person's gender identity by allowing for the issuance of a new marriage certificate that reflects changes to both the name and gender of the applicant.

Your Committee has amended this measure by:

- (1) Placing the new language in chapter 338, Hawaii Revised Statutes, relating to vital statistics;
- (2) Repealing language establishing a marriage certificate as prima facie evidence of the fact of marriage in any proceeding in any court;
- (3) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 485, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 485, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Health &  
Homelessness,



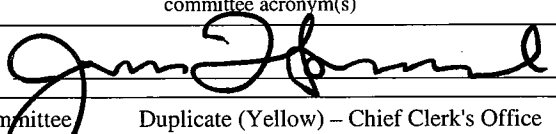
DELLA AU BELATTI, Chair



State of Hawaii  
House of Representatives  
The Thirty-second Legislature

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Record of Votes of the Committee on Health & Homelessness

Bill/Resolution No.: HB 485	Committee Referral: HLT, JHA, FIN	Date: 2/3/23		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. BELATTI, Della Au (C)	/			
2. TAKENOUCHI, Jenna (VC)	/			
3. AMATO, Terez				/
4. ILAGAN, Greggor	/			
5. KOBAYASHI, Bertrand	/			
6. MIZUNO, John M.	/			
7. NISHIMOTO, Scott Y.	/			
8. GARCIA, Diamond			/	
TOTAL (8)	6		1	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted         If joint referral, _____ did not support recommendation. <p style="text-align: center; font-size: small;">committee acronym(s)</p>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				