

STAND. COM. REP. NO.

1600

Honolulu, Hawaii

APR 04 2023

RE: H.B. No. 485  
H.D. 3  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 485, H.D. 3, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MARRIAGE,"

begs leave to report as follows:

The purpose and intent of this measure is to require the Department of Health to issue, upon receipt of required supporting documentation, new marriage certificates to individuals who have changed their gender, sex, and, if applicable, name.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Rainbow Family 808.com Inc., American Civil Liberties Union of Hawai'i, North Shore Ko'olau Diversity Collective, Stonewall Caucus of the Democratic Party of Hawai'i, Planned Parenthood Alliance Advocates, and twenty individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that although the State has established laws and policies that allow individuals who undergo a legal name and gender change to update their birth certificates and driver's licenses, there is no mechanism to allow these individuals to update their marriage certificates. A marriage certificate is a necessary record to travel internationally, share health or other insurance benefits with a spouse, apply for a loan or mortgage,



file taxes, arrange property succession or retirement benefits to a spouse, and modify physical and legal custody orders. This measure seeks to address the inconsistency between the processes for these vital legal documents. Your Committee notes the recommendation from the Department of Health to insert an effective date of January 1, 2024, to provide time for the Department to create new marriage certificate templates that are not only tamper-proof and counterfeit-resistant, but also accommodate amendments to marriages prior to 1991, as declared middle names were not an option available on the marriage certificate forms prior to 1991.

Accordingly, your Committee has amended this measure by inserting an effective date of January 1, 2024.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 485, H.D. 3, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 485, H.D. 3, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



