



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on HB485 HD1
RELATING TO MARRIAGE.**

REP. DAVID TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Hearing Date: Feb. 9, 2023

Room Number: 325

1 **Fiscal Implications:** Unspecified expense to update vital records systems.

2 **Department Testimony:** The Department of Health (DOH) discharges a ministerial role
3 regarding vital records, which is to officially record and preserve certain major life events. The
4 department does not usually make determinations of factual accuracy for vital records, rather
5 accepting prima facie common life events like births, adoptions, deaths, and marriages that are
6 submitted from trusted sources.

7 The department is currently authorized to amend birth certificates for persons who have had
8 appropriate clinical treatment for gender transition as affirmed by a United States licensed
9 physician or physician assistant, pursuant to [section 338-17.7\(a\)\(4\), Hawaii Revised Statutes](#).

10 DOH offers the following comments and observations on implementing HB485 HD1:

11 Sex vs Gender

12 The vital records program authorized by the US Centers for Disease and Prevention only
13 document "sex," as defined by a series of biological markers such as chromosomes, gametes,
14 and reproductive organs, etc. "Gender" is a cultural construct governing social expectations of
15 the sexes that vary with time, place, historically and geographically.

16 Hawaii marriage certificates refer only to "bride" and "groom" which denote sex. DOH
17 recommends options for "bride," "groom," "spouse," or "partner," as desired by the applicant.

1 Limited Retroactivity

2 The department recommends limiting the reissuance of an amended marriage certificate to the
3 certificate documenting the current legal marriage only. Applicants should not be authorized to
4 retroactively amend or be reissued certificates for previous marriages due to privacy concerns.

5 Birth Certificates

6 Although out of scope for the title of HB485 HD1, incongruent information on the birth
7 certificate and marriage certificate will be a complication. A future measure may address
8 amending circumstances under which the sex of the registrant is amended beyond what is
9 currently authorized in statute.

10 Civil Unions

11 Although out of scope for the title of HB485 HD1, individuals and couples under civil unions
12 should have equal opportunities to amend a marriage certificate for these same purposes.

13 Effective Dates

14 The department recommends an effective date of January 1, 2024, to accommodate amendments
15 to marriages prior to 1991. In addition to the creation of blank templates that are tamper-proof
16 and counterfeit-resistant, declared middle names were not an option prior to 1991 and time is
17 required to determine how to accommodate.

18 The Department of Health looks forward to assisting the Legislature to develop appropriate
19 procedures and criteria for the purposes of this measure.

20 **Offered Amendments:**

21 SECTION 2. Chapter 338, Hawaii Revised Statutes, is
22 amended by adding a new section to part I to be
23 appropriately designated and to read as follows:

1 "§338- New certificates of marriage; issuance;
2 gender and sex identifiers. (a) The department of
3 health shall permit any person who possesses a valid
4 certificate of marriage that has been filed with the
5 department and that includes gender and sex identifiers
6 for the person that differ from the person's changed
7 gender and sex identifiers and, if applicable, a changed
8 name, to apply for a new certificate of marriage;
9 provided that the department shall require the applicant
10 to submit the following:

11 (1) An application for a new marriage license to reflect the applicant's change **and**
12 **choice of terminology:**

13 (A) To the designation of the person as
14 "bride", "groom", "partner," or "spouse";
15 and
16 (B) Of name, if applicable;

17 (2) A copy of one of the following documents:

18 (A) The applicant's new certificate of birth
19 reflecting the applicant's change of gender
20 and sex identifier;
21 (B) A government-issued identification
22 document reflecting the applicant's change
23 of gender and sex identifier, including any
24 change of gender accomplished by an order of

1 any court of any state or territory of the
2 United States, the District of Columbia, or
3 any foreign court; or

4 (C) An affidavit attesting, under penalty of
5 perjury, that the request for a change of
6 the designation of the applicant as "bride",
7 "groom", **partner**, or "spouse" is to conform
8 to the applicant's gender identity and is
9 not made for any fraudulent purpose;

10 (3) If the applicant desires that the new certificate of marriage reflect a different
11 name for the applicant than what is reflected on the original certificate of marriage, a
12 certified copy of the applicant's change of name order obtained under section 574-
13 5(a)(1) or (5), including a certified English translation, if applicable; and

14 (4) A notarized letter from the **current** non-applicant spouse consenting to the
15 changes to be made to the original certificate of marriage; provided that the notarized
16 letter shall substantially contain the following language:

17
18 "I, (non-applicant spouse's full name), stipulate to an issuance of a new
19 marriage certificate for myself that reflects my spouse's legal gender, sex, and, if
20 applicable, name."

21
22 (b) Each new certificate of marriage issued
23 pursuant to this section shall:

24 (1) Reflect the applicant's changed:

- 1 (A) Designation as "bride", "groom",
2 "partner," or "spouse"; and
3 (B) Of name, if applicable; and

4 (2) Replace the original certificate of marriage.

5 (c) No new certificate of marriage issued pursuant
6 to this section shall:

7 (1) Be marked as amended; or

8 (2) Reveal the language of the original certificate of marriage that was changed in
9 the new certificate of marriage.

10 (d) The department of health shall establish fees
11 pursuant to chapter 91 to be paid for issuance of a new
12 certificate of marriage pursuant to this section.

13 (e) Upon receipt of the documents submitted
14 pursuant to subsection (a) and the applicant's payment of
15 the fees established pursuant to subsection (d), the
16 department of health shall:

17 (1) Issue to the applicant a new certificate of marriage; and

18 (2) Seal and file any documents evidencing the preparation of the new certificate
19 of marriage, including the original certificate of marriage; provided that these
20 documents shall only be opened pursuant to an order of any court of competent
21 jurisdiction within a state, territory, or possession of the United States, or by request
22 of the marriage registrant.

23 (f) The department of health shall issue a new
24 certificate of marriage to any applicant who has

1 satisfied the requirements of this section regardless of
2 the date of the applicable marriage."

3 SECTION 3. Section 572-13, Hawaii Revised Statutes,
4 is amended by amending subsection (c) to read as follows:

5 "(c) Certified copies of certificate of
6 marriage. The department of health shall deliver one
7 certified copy of the certificate of marriage or the
8 contents or any part thereof as provided in section 338-
9 13 to the persons married. [~~The certificate shall be~~
10 ~~prima facie evidence of the fact of marriage in any~~
11 ~~proceeding in any court.~~]

12 [~~The~~] Upon request, the department of health shall
13 [~~upon request,~~] furnish to any applicant additional
14 certified copies of the certificate of marriage or any
15 part thereof.

16 [~~Copies~~] Except for any certificate of marriage
17 replaced, sealed, and filed pursuant to section 338- ,
18 copies of the contents of any certificate on file [~~in the~~
19 ~~department,~~] with, and certified by, the department shall
20 be considered the same as the original for all purposes
21 [~~the same as the original~~]."
22
23



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KĪWILA O HAWAI‘I

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 • PHONE: 586-8636 • FAX: 586-8655 • TDD: 568-8692

Thursday, February 9, 2023
Rm. 325, 2:00 p.m.

To: The Honorable David A. Tarnas Chair
The Honorable Gregg Takayama, Vice Chair
Members of the House Committee on Judiciary and Hawaiian Affairs

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 485, H.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights.

The HCRC supports H.B. No. 485, H.D.1, which provides for the replacement of marriage certificates for individuals who have changed their gender, sex, and, if applicable, name.

The Legislature previously passed H.B. No. 1165 in 2019, enacted as Act 142, expanding gender options on government identification. Recent awareness of the discrimination and other issues faced by transgender and non-binary individuals has provoked greater consciousness of the difficulties with official documents that can arise. This bill would allow transgender individuals who are married to correct their marriage certificates to accurately reflect their gender identity. This bill will advance fair treatment and address discrimination faced by the transgender community.

Recognizing the importance of fair treatment and inclusiveness, the HCRC supports H.B. No. 485, H.D.1.

HB-485-HD-1

Submitted on: 2/7/2023 7:29:48 PM

Testimony for JHA on 2/9/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 strongly supports HB485. Please pass this bill. Thank you.

Mike Golojuch, Sr., Secretary/Board Member



TESTIMONY IN SUPPORT OF HOUSE BILL 485, HD1

Thursday, February 9, 2023, at February 3,
2023, at 9:30 A.M.
Conference Room 016 & Videoconference

To: The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
Members of the House Committee on Judiciary and Hawaiian Affairs

From: The Hawai'i Friends of Civil Rights
Co-Chairs Amy Agbayani and Pat McManaman

The Hawai'i Friends of Civil Rights works to achieve equity, justice, inclusion, uphold civil rights, and eliminate discrimination.

This measure aligns with existing Hawai'i laws that allow gender options regarding government identification and permits transgender persons the ability to correct their marriage certificates to accurately reflect their gender identity.

Without this amendment, a transsexual person's driver's license may, for example, reflect a different identity from their marriage certificate. At a time when accurate identity documents are essential to negotiating almost every aspect of our daily lives, this simple amendment will permit the alignment of identity documents, and facilitate daily transactions such as opening joint bank accounts, purchasing real property and negotiating a mortgage.

Thank you for the opportunity to support this important measure.



North Shore Ko'olau Diversity Collective

To: Committee on Health and Homelessness, Hawai'i State House of Representatives

Hearing Date: Friday, February 9, 2023

Re: Testimony in Support of HB 485

From: Joe Wilson, North Shore Ko'olau Diversity Collective

Dear Chair Tarnas, Vice Chair Takayama and members of the committee

I write on behalf of the North Shore Ko'olau Diversity Collective in **STRONG SUPPORT** for HB485 HD1, which would help ensure that people have a navigable process by which they can update Hawai'i marriage certificates to correct basic information which may have changed after their current certificate was issued.

Marriage certificates can be very important documents, and when the information on a marriage certificate such as name or gender/gender marker do not align with someone's other or more-current documentation, people can have serious difficulty completing certain tasks which require a copy of a marriage certificate. Or perhaps worse, if an outdated marriage certificate is provided that contains a clearly misaligned name or gender, it can serve to 'out' an individual or couple who has perhaps gone through transition, and that outing can result in serious discrimination and wrongful denial of benefits.

It is vital that a simple process exist that allows people to make essential updates to their marriage certificate, and I strongly support this measure. Thank you for hearing this measure which will surely make a big difference in the lives of married people in Hawaii!

The North Shore Ko'olau Diversity Collective is a relatively new and growing grassroots effort working to ensure that our rural O'ahu communities are welcoming, inclusive, and supportive of mähū, aikāne, and LGBTQ+ individuals and families, and proactive in challenging bigotry, disrespect, discrimination.

We will be following this and other bills relevant to our communities' health and well being closely and hope we can count on your support.

Organizing Committee

Joe Wilson – Elizabeth J. Rago – Michelle Johnson Blimes – Kunane Dreier – Bethany Berry-Weiss



February 7, 2023

House's Committee on Judiciary & Hawaiian Affairs
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Friday, February 9, 2022 at 2:00 PM

RE: **STRONG SUPPORT for House Bill 485 House Draft 1**

Aloha Chair Belatti, Vice-Chair Takenouchi and fellow committee members,

I am writing in STRONG SUPPORT for House Bill 485 HD 1 on behalf of the Stonewall Caucus of the Democratic Party of Hawaii, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization.

HB 485 HD 1 will establish the ability for marriage certificates issued in Hawaii to be updated for those having had legal name and gender changes. Currently there is no mechanism to allow those that undergo a legal name and gender change to update this vital record document.

Marriage Certificates are vital records and needed for handling affairs, legal and financial concerns, or for traveling internationally. Some examples of use:

- Sharing health or other insurance benefits
- Applying for a loan or mortgage
- Filing Taxes
- Arranging property succession or retirement benefits to a spouse
- Giving tax-free gifts to a spouse
- Custody changes

For all these reasons the Stonewall Caucus humbly asks that you support HB 485 HD 1 to ensure fairness for any couple in Hawaii seeking to update vital records for reasons of name and gender change.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.
Chair and SCC Representative
Stonewall Caucus for the DPH

Committee: House Committee on Judiciary & Hawaiian Affairs
Bill Number: HB 485
Hearing Date/Time: February 9, 2023, 2:00 p.m.
Subject: Testimony in **STRONG SUPPORT of HB 485**, Relating to Marriage

Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members:

Thank you all for allowing the opportunity to provide testimony on HB 485. My name is Sarah Simmons of Moanalua and I am writing today in support of HB 485 to create a process for name and gender marker change on Hawai'i marriage certificates.

Twenty four years ago I was lucky to meet the love of my life while in college, and in 2018 we finally married here in Hawai'i. In 2020, my spouse decided to begin the process of transitioning to their new gender identity and legal name change. We had many discussions on this as a couple, and I have always been in full support and love while we underwent the process of transitioning together. I know that not all couples are able to survive this kind of change, but I love my spouse and I am committed to them regardless of their gender.

The process of changing your name and gender markers is not an easy one to navigate, but she pushed through. The one final document we feel we need for the future is an update to our marriage certificate. There is no process currently in place for this record to be updated, and for our marriage and for other couples in the future I want our state to craft a mechanism for name and gender markers to be updated. A marriage certificate is a vital document that follows us through our lives, and when we have to give copies of that document to prove our marriage to other agencies it is not right for us to have to deadname my spouse or explain their transition each time.

The need for all vital records documents to be updateable for name and gender changes is vital for fairness to myself and other couples seeking to have their legal marriage certificates reflect their current legal names and genders. I would like to ask you all to support this legislation to allow those who have changed their names and gender markers to update their marriage certificates.

Thank you all for your time and consideration on testimony for HB 485.

Sincerely,

Sarah Simmons
Honolulu, HI 96818

HB-485-HD-1

Submitted on: 2/7/2023 2:20:00 PM

Testimony for JHA on 2/9/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl B.	Individual	Support	Written Testimony Only

Comments:

I SUPPORT this bill to continue to be proactive in protecting and ensuring the rights of our transgender community. I SUPPORT that department of health to issue new marriage certificates to reflect changes in both name and gender upon receipt of the required supporting documentation.

Committee: House Committee on Judiciary & Hawaiian Affairs
Bill Number: HB 485
Hearing Date/Time: February 9, 2023, 2:00pm
Subject: Testimony in **STRONG SUPPORT of HB 485**, Relating to Marriage

Aloha Chair Tarnas, Vice Chair Takayama, and Committee Members:

Thank you all for allowing the opportunity to provide testimony on HB 485. My name is Abby Simmons from Honolulu, and I am writing today in support of HB 485 to create a process for name and gender marker change on Hawai'i marriage certificates.

Marriage Certificates are vital for handling affairs, legal and financial concerns, or for traveling internationally. Some examples of use:

- Sharing health or other insurance benefits
- Applying for a loan or mortgage
- Filing Taxes
- Arranging property succession to a spouse
- Giving tax-free gifts to a spouse
- Custody changes

My spouse and I married on May 1, 2018, here in Hawai'i. In 2020 I began my transition, completing my legal name and gender change in 2021. The process involved updating many documents, after legally changing my name:

- My Hawai'i driver's license
- Passport
- Social Security record and card
- my employer file
- all of my bank and credit accounts
- University undergraduate and graduate record of degrees
- Various Insurance Coverages, etc.
- Medical records

The only government identity record I was not able to update was our Marriage Certificate.

Being able to update a Marriage Certificate with correct name and gender is essential in preventing transgender individuals from being outed when presenting the certificate for the many reasons listed above. When a transgender individual or couple are outed, they risk harassment and discrimination. The appearance of an individual's old name and gender marker is an injustice due to the social stigma and discrimination that transgender people face.

This injustice can be remedied effectively by issuing a corrected marriage certificate listing current legal name and gender. For this reason, I would like to ask you all to support this legislation.

Thank you all for your time and consideration on testimony for HB 485.

Sincerely,

Abby Simmons

HB-485-HD-1

Submitted on: 2/7/2023 3:56:06 PM

Testimony for JHA on 2/9/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rita L Y Kaku	Individual	Support	Written Testimony Only

Comments:

I am in support of this bill to allow trans couples to be able to update their marriage license to what is appropriate. It gives them rights normal for married couples and avoids discrimination or embarrassing questions. This is no different than a person legally changing their name or to change their gender on a birth certificate. Please allow this bill to proceed, because love between 2 adults should be equal for all.

Thank you, Rita Kaku

HB-485-HD-1

Submitted on: 2/7/2023 5:18:28 PM

Testimony for JHA on 2/9/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support

Aloha Chair Tarnas, Vice Chair Takayama, and members of the committee,

My name is Breanna Zoey and I am writing in **STRONG SUPPORT** for HB485, which would help ensure that people have a navigable process by which they can update Hawaii marriage certificates in the event they need to correct or update basic information which may have changed after their current certificate was issued.

Marriage certificates can be very important documents that need to be provided periodically. When the information on a marriage certificate such as name or gender/gender marker do not align with someone's other (or more-current) documentation, people can encounter serious problems. Or, if an outdated marriage certificate is provided that contains a clearly misaligned name or gender, it can serve to 'out' an individual or couple who has perhaps gone through a transition, and that outing can result in harm, discrimination and the wrongful and unjust denial of benefits.

Hawaii has processes that allow individuals to make similar updates to other records, such as drivers licenses and to an extent birth certificates. While those processes are not always perfect nor do they cover every single official state document that a person may need to update, there is no reason why we should not allow for a process to update a marriage certificate.

It is vital that a simple process exist that allows people to make essential updates to their marriage certificate, and I strongly support this measure. Thank you for hearing this measure which will surely make a big difference in the lives of married people in Hawaii!



Breanna Zoey

(she/they)

HB-485-HD-1

Submitted on: 2/7/2023 6:29:48 PM

Testimony for JHA on 2/9/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nikos Leverenz	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, & Members of the Committee:

I write in support of HB 485, which would allow trans persons to change their gender identity on their marriage certificate without having to petition a court, as is now the case, and instead empower the state Department of Health to process applications for a new marriage certificate.

Mahalo for the opportunity to provide testimony.

HB-485-HD-1

Submitted on: 2/7/2023 8:21:26 PM

Testimony for JHA on 2/9/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Thaddeus Pham	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Takayama, and members of the committee,

As a concerned citizen and public health professional, I strongly support HB 485 which would allow individuals to change their gender and/or name on their marriage certificate to represent their identity. This bill would align with already established laws and policies that allow for people of all genders to get their birth certificate, driver's license and other documents updated.

This bill will promote a culture of inclusivity and social cohesion rather than an environment of exclusion, stigma, and harm.

With thanks,

Thaddeus Pham (he/him)

HB-485-HD-1

Submitted on: 2/8/2023 8:03:46 AM

Testimony for JHA on 2/9/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cindy Goo	Individual	Support	Written Testimony Only

Comments:

I'm writing in support of HB485.

Hawaii as our host culture has always recognized all identities of its people. Hawaii, as a State, has also done so.

It is the State's responsibility to continue to support all identities by changing/updating processes that would inhibit any identity from fully benefiting any services that are enjoyed by the "traditional" genders.

Marriage certificates are legal documents that are required by a number of entities and by not allowing transgendered people to update these documents denies them participation in benefits and puts them at a disadvantage.

Allowing them to update their information also empowers them as individuals and with strong individuals, we have strong communities.

Support this bill!

Thank you,

Cindy Goo

HB-485-HD-1

Submitted on: 2/8/2023 9:32:08 AM

Testimony for JHA on 2/9/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Renee Rabb	Individual	Support	Written Testimony Only

Comments:

HB 485

I support HB485 which allows for a replacement marriage license for people who have changed their gender, sex, and/or name. This helps those who need it and does not affect anybody else.

Mahalo

Renee Rabb

Keaau, HI 96749

District 4, Pct 2

HB-485-HD-1

Submitted on: 2/8/2023 7:42:35 PM

Testimony for JHA on 2/9/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
tania victorine	Individual	Oppose	Written Testimony Only

Comments:

CHROMOSOMES ARE ABSOLUTE!!!

LEGAL documents must reports FACTS, not make pretend genders.