

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
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**Testimony in SUPPORT of HB485 HD3
RELATING TO MARRIAGE.**

SEN. JOU SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date: March 15, 2023

Room Number: 225

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 treatment for gender transition as affirmed by a United States licensed physician or
9 physician assistant, pursuant to [section 338-17.7\(a\)\(4\), Hawaii Revised Statutes](#).

10 DOH offers the following comments and observations on implementing HB485 HD2:

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.

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1 Birth Certificates

2 Although out of scope for the title of HB485 HD3, incongruent information on the birth
3 certificate and marriage certificate will be a complication. A future measure may address
4 amending circumstances under which the sex of the registrant is amended beyond what is
5 currently authorized in statute.

6 Civil Unions

7 Although out of scope for the title of HB485 HD3, individuals and couples under civil unions
8 should have equal opportunities to amend a marriage certificate for these same purposes.

9 Effective Dates

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

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

16 **Offered Amendments:** N/A.

17



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

Wednesday, March 15, 2023 at 1:00 p.m.
Room 225, and Videoconference

To: The Honorable Senator Joy A. San Buenaventura, Chair
The Honorable Senator Henry J.C. Aquino, Vice Chair
Members of the Senate Committee on Health and Human Services

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

Re: H.B. No. 485, H.D.3

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.3, 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, filling a gap not yet addressed. This bill will advance fair treatment and address discrimination faced by the transgender community, allowing much needed legal documents to align with an applicant’s gender identity.

Recognizing the importance of fair treatment and inclusiveness, the HCRC supports H.B. No. 485, H.D.3.



North Shore Ko'olau Diversity Collective

To: Committee on Health and Human Services, Hawai'i State Senate

Hearing Date: Wednesday, March 15, 2023

Re: Testimony in Support of HB 485, HD3

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

Dear Chair San Buenaventura, Vice Chair Aquino and members of the committee

I write on behalf of the North Shore Ko'olau Diversity Collective in **STRONG SUPPORT** for HB485 HD3, 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 māhū 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 – Torrey Lock



March 10, 2023

Senate's Committee on Health and Human Services
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Wednesday, March 15, 2022 at 1:00 PM

RE: **STRONG SUPPORT for House Bill 485 House Draft 3**

Aloha Chair San Buenaventura, Vice-Chair Aquino and fellow committee members,

I am writing in STRONG SUPPORT for House Bill 485 HD 3 on behalf of the Stonewall Caucus of the Democratic Party of Hawai'i, Hawai'i's oldest and largest policy and political LGBTQIA+ focused organization.

HB 485 HD 3 will establish the ability for marriage certificates issued in Hawai'i 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 3 to ensure fairness for any couple in Hawai'i 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

HB-485-HD-3

Submitted on: 3/10/2023 6:39:04 PM

Testimony for HHS on 3/15/2023 1:00:00 PM

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

Comments:

Rainbow Family 808 supports HB485. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member

Committee: Senate Committee on Health & Human Services
Bill Number: HB 485
Hearing Date/Time: March 15, 2023, 1:00 p.m.
Subject: Testimony in **STRONG SUPPORT of HB 485**, Relating to Marriage

Aloha Chair San Buenaventura, Vice Chair Aquino, 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

Committee: Senate Committee on Health & Human Services
Bill Number: HB 485
Hearing Date/Time: March 15, 2023, 1:00 p.m.
Subject: Testimony in **STRONG SUPPORT of HB 485**, Relating to Marriage

Aloha Chair San Buenaventura, Vice Chair Aquino, 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 strong 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-3

Submitted on: 3/12/2023 8:09:34 AM

Testimony for HHS on 3/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Support.

HB-485-HD-3

Submitted on: 3/10/2023 5:41:52 PM

Testimony for HHS on 3/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alan R. Spector	Individual	Support	Written Testimony Only

Comments:

I support this bill, however, it should be amended to clarify that it also includes civil union certificates.

Alan R. Spector, Kaneohe

HB-485-HD-3

Submitted on: 3/12/2023 3:34:51 PM

Testimony for HHS on 3/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jim Cooper	Individual	Support	Written Testimony Only

Comments:

I fully support this bill which provides for the replacement of certificates of marriage for individuals who have changed their gender, sex, and, if applicable, name. Members of the LGBTQ+ community deserve this respect and should not have to live with documents which do not reflect who they truly are.

HB-485-HD-3

Submitted on: 3/13/2023 1:08:56 PM

Testimony for HHS on 3/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sarah Rosenbach	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the committee,

I am testifying in **STRONG SUPPORT** for HB485.

The bill creates a process that would allow for the change of name and gender on the Marriage Certificate. This bill is important for individuals who have transitioned after getting married and their families.

The marriage certificate is used for many reasons, such as applying for health and insurance benefits, new employment (benefits), bank accounts and applying for a mortgage or loan.

Forcing transgender couples/families to present a marriage certificate that misrepresents their legal name and gender can result in harm such as discrimination and being involuntarily outed.

Currently there is no way to update this vital and legal record unless the transition happens within 4 weeks of marriage.

This bill would simply match legal name and gender in the marriage certificate to other state and federal issued IDs.

Mahalo,

Sarah Rosenbach

HB-485-HD-3

Submitted on: 3/13/2023 9:46:15 PM

Testimony for HHS on 3/15/2023 1:00:00 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-3

Submitted on: 3/14/2023 11:04:43 AM

Testimony for HHS on 3/15/2023 1:00:00 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-3

Submitted on: 3/14/2023 11:37:28 AM

Testimony for HHS on 3/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Grace Alvaro Caligtan	Individual	Support	Written Testimony Only

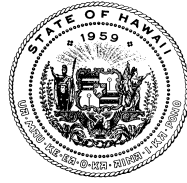
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Marriage Certificates are vital records and needed for handling affairs, legal and financial concerns, or for traveling internationally. This includes:

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The need for all vital records documents to be updateable for name and gender changes is vital for fairness to couples seeking to have their legal marriage certificates reflect their current legal names and genders. It is legal recognition and simple administrative process that ensures inclusivity and conveys respect, dignity, and fairness . Thank you all for your time and consideration for HB 485.



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LATE

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SEN. JOU SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

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10 The department recommends an effective date of January 1, 2024, to accommodate amendments
11 to marriages prior to 1991. In addition to the creation of blank templates that are tamper-proof
12 and counterfeit-resistant, declared middle names were not an option prior to 1991 and time is
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14 The Department of Health looks forward to assisting the Legislature to develop appropriate
15 procedures and criteria for the purposes of this measure.

16 **Offered Amendments:** N/A.

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