

**STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL**

June 20, 2019

Opinion No. 19-08

Qualifications of Spiritual Leaders Who May Solemnize Marriages

Question 1

Prior to the enactment of Public Chapter 415, were spiritual leaders who had received their ordinations online authorized under Tenn. Code Ann. § 36-3-301 to solemnize marriages in Tennessee?

Opinion 1

Yes, as long as they satisfied the requirements of § 36-3-301(a)(1), (2).

Question 2

Does Public Chapter 415 change whether spiritual leaders who receive their ordinations online may solemnize marriages under § 36-3-301?

Opinion 2

Yes. After the effective date of Public Chapter 415, spiritual leaders who receive their ordinations online will no longer be among those individuals who are authorized under § 36-3-301 to solemnize marriages in Tennessee.

ANALYSIS

Currently, Tenn. Code Ann. § 36-3-301(a)(1) sets forth the individuals who are authorized to solemnize marriages in Tennessee, including “ministers, preachers, pastors, priests, rabbis, and other spiritual leaders of every religious belief, more than eighteen (18) years of age, having the care of souls,” who also meet the following requirements:

In order to solemnize the rite of matrimony, any such minister, preacher, pastor, priest, rabbi or other spiritual leader must be ordained or otherwise designated in conformity with the customs of a church, temple or other religious group or organization; and such customs must provide for such ordination or designation by a considered, deliberate, and responsible act.

Tenn. Code Ann. § 36-3-301(a)(2).

Public Chapter 415, the relevant sections of which become effective July 1, 2019, amends these requirements by adding the following language to the end of subdivision (a)(2): “Persons

receiving online ordinations may not solemnize the rite of matrimony.” 2019 Tenn. Pub. Acts, ch. 415, § 3.

Before the enactment of Public Chapter 415, spiritual leaders receiving their ordinations online were subject to same requirements as those who received ordinations through other means. Spiritual leaders identified in § 36-3-301(a)(1) who received their ordination pursuant to a religious custom that constituted a “considered, deliberate, and responsible act” were authorized to solemnize marriages. Thus, as long as an online ordination was received pursuant to a religious custom that constituted a considered, deliberate, and responsible act, persons so ordained were authorized to solemnize marriages. But if their online ordination was not pursuant to a religious custom that required a considered, deliberate, and responsible act, spiritual leaders were not authorized to solemnize marriages. In its most recent opinion on the requirements of § 36-3-301(a)(2) as they existed before the effective date of Public Chapter 415,¹ this office reaffirmed that online ordination that requires no more than a “click of the mouse” would not satisfy the requirement of ordination pursuant to a considered, deliberate, and responsible act. Tenn. Att’y Gen. Op. 15-14 (Feb. 6, 2015).

Public Chapter 415 changes the current framework in one respect. It amends § 36-3-301(a)(2) so that after June 30, 2019, “[p]ersons receiving online ordinations” are no longer authorized to solemnize marriages in Tennessee, even if they received their ordination pursuant to a religious custom that constitutes a “considered, deliberative, and responsible act.”

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¹ This office has in the past issued several opinions dealing with the requirements of § 36-3-301(a)(2) as they existed before the effective date of Public Chapter 415. *See* Tenn. Att’y Gen. Op. 15-14 (Feb. 6, 2015); Tenn. Att’y Gen. Op. 14-90 (Sept. 30, 2014); Tenn. Att’y Gen. Op. 07-122 (Aug. 16, 2002); Tenn. Att’y Gen. Op. 04-157 (Oct. 25, 2004).