
A BILL FOR AN ACT

RELATING TO BIRTH CERTIFICATES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 338-17.7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§338-17.7 Establishment of new certificates of birth,**
4 **when.** (a) The department of health shall establish, in the
5 following circumstances, a new certificate of birth for a person
6 born in this State who already has a birth certificate filed
7 with the department and who is referred to below as the "birth
8 registrant":

9 (1) Upon receipt of an affidavit of paternity, a court
10 order establishing paternity, or a certificate of
11 marriage establishing the marriage of the natural
12 parents to each other, together with a request from
13 the birth registrant, or the birth registrant's parent
14 or other person having legal custody of the birth
15 registrant, that a new birth certificate be prepared
16 because previously recorded information has been
17 altered pursuant to law;



- 1 (2) Upon receipt of a certified copy of a final order,
2 judgment, or decree of a court of competent
3 jurisdiction that determined the nonexistence of a
4 parent and child relationship between a person
5 identified as a parent on the birth certificate on
6 file and the birth registrant;
- 7 (3) Upon receipt of a certified copy of a final adoption
8 decree, or of an abstract of the decree, pursuant to
9 sections 338-20 and 578-14;
- 10 (4) Upon receipt of [~~an affidavit of a physician that the~~
11 ~~physician has examined the birth registrant and has~~
12 ~~determined~~] the following[÷] documents:
- 13 [~~(A) The birth registrant's sex designation was~~
14 ~~entered incorrectly on the birth registrant's~~
15 ~~birth certificate; or~~
- 16 ~~(B) The birth registrant has had a sex change~~
17 ~~operation and the sex designation on the birth~~
18 ~~registrant's birth certificate is no longer~~
19 ~~correct; provided that the director of health may~~
20 ~~further investigate and require additional~~
21 ~~information that the director deems necessary;~~
22 ~~or~~]



- 1 (A) A written request from the birth registrant,
2 signed under penalty of perjury, that the
3 department issue a birth certificate with a
4 gender designation that differs from the gender
5 designated on the birth registrant's original
6 birth certificate;
- 7 (B) A notarized statement from the birth registrant's
8 licensed treating or evaluating physician stating
9 that:
 - 10 (i) The birth registrant's sex designation was
11 entered incorrectly on the birth
12 registrant's original birth certificate; or
 - 13 (ii) The birth registrant has undergone surgical,
14 hormonal, or other treatment appropriate for
15 that individual for the purpose of gender
16 transition, and that in the physician's
17 opinion the birth registrant's gender
18 designation should be changed accordingly;
19 and
- 20 (C) If the birth registrant is requesting a name
21 change on the new certificate, an official copy
22 of the legal name change document; or



1 (5) Upon request of a law enforcement agency certifying
2 that a new birth certificate showing different
3 information would provide for the safety of the birth
4 registrant; provided that the new birth certificate
5 shall contain information requested by the law
6 enforcement agency, shall be assigned a new number and
7 filed accordingly, and shall not substitute for the
8 birth registrant's original birth certificate, which
9 shall remain in place.

10 (b) When a new certificate of birth is established under
11 this section, it shall be substituted for the original
12 certificate of birth. The new certificate shall not be marked
13 as having been amended and shall in no way reveal the original
14 language changed by the amendment. Thereafter, the original
15 certificate and the evidence supporting the preparation of the
16 new certificate shall be sealed and filed. [~~Such sealed~~
17 ~~document~~] The sealed documents shall be opened only by an order
18 of a court of record[-] or by request of the birth registrant.

19 (c) For a new certificate of birth established pursuant to
20 subsection (a)(4), the department shall not require any
21 additional medical information or records.



1 (d) Upon the department's refusal to establish a new birth
 2 certificate under this section, the birth registrant shall have
 3 a cause of action in a court of competent jurisdiction to
 4 petition for the new certificate. The department shall give the
 5 birth registrant written notice of this right."

6 SECTION 2. Statutory material to be repealed is bracketed
 7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

9

INTRODUCED BY:

| | |
|------------------------------|--------------------------------|
| <u><i>Robert Hancock</i></u> | <u><i>Marilyn B. Lee</i></u> |
| <u><i>Cindy Evans</i></u> | <u><i>[Signature]</i></u> |
| <u><i>Mel Carrice</i></u> | <u><i>Linda Chizome</i></u> |
| <u><i>[Signature]</i></u> | <u><i>[Signature]</i></u> |
| | <u><i>Eythia Thoben</i></u> |
| | <u><i>[Signature]</i></u> |
| | <u><i>[Signature]</i></u> |
| | <u><i>[Signature]</i></u> |
| | <u><i>Allea A. Belatti</i></u> |



Report Title:

New Birth Certificates; Transgender

Description:

Provides amended birth certificates for persons who have undergone a gender transition.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

