

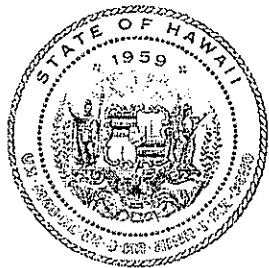
# **TESTIMONY**

---

# **HB2227, HD1**

**HTH  
Committee Hearing  
03-16-2012**

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



Chair  
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU  
ADRIENNE KING  
CARMILLE LIM  
AMY MONK  
LISA ELLEN SMITH  
CAROL ANNE PHILIPS

Executive Director  
Catherine Betts, Esq.

Email:  
DHS.HSCSW@hawaii.gov  
Web:  
www.hawaii.gov/dhs/women/  
HSCSW

235 S. Beretania #407  
Honolulu, HI 96813  
Phone: 808-586-5758  
FAX: 808-586-5756

March 14, 2012

**Testimony in Support of HB 2227, HD 1, Relating to Birth Certificates**

**To:** Senator Josh Green, M.D., Chair  
Senator Clarence K. Nishihara, Vice-Chair  
Members of the Senate Committee on Health

**From:** Catherine Betts, Esq., Executive Director, Hawaii State Commission on the Status of Women

**Re:** Testimony in Support of HB 2227, HD 1

On behalf of the Hawaii State Commission on the Status of Women, I would like to thank the committee for this opportunity to provide testimony on such an important issue. I would like to express my strong support for HB 2227, HD 1, which would amend HRS 338-17.7 by allowing for the establishment of new birth certificates for transgender individuals.

A statutory requirement for an actual surgical gender change is outdated and unnecessary. The majority of transgender people do not choose to undergo sex reassignment surgeries for various reasons, including prohibitive costs and other medical and personal reasons. Under internationally accepted clinical standards, transgender individuals may opt for hormone therapy and other treatments. The international medical community recognizes that surgery may be appropriate for some, but not for all. HB 2227 attempts to modernize HRS 338-17.7 and recognize the need for transgender individuals to live their lives in their new gender, without retaining an outdated notion of what it means to be transgender.

Additionally, this bill makes it less arduous for transgender individuals to request a new birth certificate by allowing an individual to request one from the Department of Health rather than petitioning a court to order the change. This is especially vital to the everyday lives of transgender individuals and allows them to more readily amend their legal documents, including driver's licenses and other forms of identification. These individuals are more subject to harassment and discrimination when their birth certificates, and thereby, their identification, do not "match" their lived gender. This bill remedies that problem.

The Commission respectfully asks that this Committee pass HB 2227, HD 1.

Thank you for this opportunity to testify.

Catherine Betts, Esq.  
Executive Director, Hawaii State Commission on the Status of Women

**LATE**

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**Senate Committee on Health**

**March 16, 2012**

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.  
Director of Health**

**HB2227 HD1, Relating to Birth Certificates**

1 **Department's Position: Comments**

2 **Fiscal Implications: Unidentified**

3 **Purpose and Justification:** HB2227 HD1 expands the pool of individuals eligible to alter the sex  
4 marker on their birth certificate and establishes other requirements and processes specific to that  
5 transaction.

6  
7 The Department of Health fully acknowledges and appreciates the social justice dimensions of this bill  
8 and offers comments regarding concerns with proposed administrative procedures, including some  
9 unintended consequences. The Department takes no position on expanding eligibility beyond those who  
10 have completed sex reassignment surgery.

11  
12 HB2227 proposes that individuals requesting sex marker changes provide a written request and a  
13 notarized statement from the individual's treating or evaluating physician. The Department believes  
14 tighter language is required to mitigate potential fraud and abuse and address potential concerns of law  
15 enforcement. Specifically:

*Promoting Lifelong Health and Wellness*

- 1       • **Subsection (4), Paragraphs (a) and (b):** Regarding requiring a court order, which is consistent  
2       with the documentation needed for other changes to the birth certificate such as name changes  
3       and designating parental relationships due to paternity or adoption proceedings. A court order,  
4       as opposed to a notarized letter, is also consistent with proposed model law for vital statistics  
5       nationally. The Department recognizes that this may be more complicated than a simple  
6       notarized letter but believes this is not unduly burdensome to protect the integrity of all vital  
7       records in the custody of the State of Hawaii. We respectfully recommended that “appropriate”  
8       processes be the standard as opposed to “easiest.”

9       In the same paragraph, we recommend that further consideration be given to the credentials of  
10      the physician providing the medical opinion. “...Treating or evaluating physician” is overly  
11      broad and “...treatment appropriate for that individual for the purposes of gender transition” is  
12      vague. At a minimum, we think it prudent that the physician or provider be licensed in the state  
13      of Hawaii and eligible to practice with reasonable experience or specialization. Also note that a  
14      court order removes all of this ambiguity.

- 15      • **Subsection (5), Paragraph (b):** This paragraph permits the individual who requested the  
16      change to open the sealed document upon request. This is a very serious deviation from policies  
17      and procedures designed to preserve the confidentiality of the birth record, for instance, with  
18      adoptions and natural parents who wish to remain anonymous. The Department recommends  
19      this language be deleted.

- 20      • **Subsection (5), Paragraph (d):** Regarding a cause of action for refusal to establish a new birth  
21      certificate, we understand the intention was to create an appeal mechanism for the applicant.  
22      The Department believes this is unnecessary due to the existing administrative remedies  
23      available to any customer of government services ranging from speaking with a supervisor to  
24      direct appeals to the Office of Director of Health or the Governor. The public may rely on the

1 professionalism of the public health workforce at the Department of Health to adhere to the law  
2 in discharging their responsibilities in this and any other transaction. Also note that a court  
3 order, which the Department recommends, would compel the Department in irrefutable terms to  
4 process the transaction.

5  
6 Lastly, the Department of Health wishes to inform this Committee that it has been actively engaged with  
7 the bill's stakeholders in sharing mutual concerns and seeking solutions we can all live with. Our  
8 primary goals are to preserve the integrity of everybody's vital records, conform to best practices, and  
9 ensure that this critical step in transgendered individuals' lives to define their existence are protected  
10 from bad actors.

11  
12 Thank you for the opportunity to testify.



1350 S. King Street • Suite 309 • Honolulu, Hawaii 96814 • [www.pphi.org](http://www.pphi.org) • Phone: 808-589-1156 • Fax: 808-589-1404

March 16, 2012

**Testimony in Support: HB 2227 HD1**

**To:** Chair Josh Green, Vice Chair Clarence Nishihara, and Members of the Senate Committee on Health  
**From:** Katie Reardon Polidoro, Director of Government Relations & Public Affairs  
**Re:** Testimony in Support of HB 2227 HD1, Relating to Birth Certificates

Planned Parenthood of Hawaii (PPHI) supports HB 2227 HD1, which streamlines the process for individuals to change their birth certificates to reflect their true gender and removes burdensome medical requirements.

We have a core set of beliefs at PPHI, and among them is the belief that the free and joyous expression of one's own sexuality is central to being fully human. The ability to express one's gender without fear is crucial to every person's well being. In 2011, in recognition of the need for quality and reliable health care for transgendered individuals, PPHI will begin providing transgender health care services at our Honolulu Health Center. It is our goal to expand these services to all of our health centers in the near future. We provide safe and compassionate preventive healthcare and screenings as well as hormone therapy.

Currently, the requirements for changing the gender on one's birth certificate include medical sex reassignment procedure. This requirement is outdated and unnecessary. Transgendered individuals opt out of sex reassignment surgery for many reasons. For many, the cost of surgery is prohibitive. Others choose not to have surgery for more personal reasons. Especially in Hawaii, transgendered individuals have great difficulty in finding affordable and safe medical care. The current requirements are a significant barrier for transgendered people to obtain birth certificates and other identifying documents that accurately reflect who they are. Therefore, PPHI encourages this committee to pass HB 2227 HD1. Thank you.

**Honolulu Health Center**  
1350 S. King Street, Suite 310  
Honolulu, HI 96814  
808-589-1149

**Kailua Kona Health Center**  
75-184 Hualalai Road, Suite 205  
Kailua Kona, HI 96740  
808-329-8211

**Kahului (Maui) Health Center**  
140 Ho'ohana Street, Suite 303  
Kahului, HI 96732  
808-871-1176  
(A Maui United Way Agency)



Email to: [HTHTestimony@Capitol.hawaii.gov](mailto:HTHTestimony@Capitol.hawaii.gov)  
Hearing on: Friday, March 16, 2012 @ 1:30 p.m.  
Conference Room #229

**DATE:** March 13, 2012

**TO:** Senate Committee on Health  
Senator Josh Green, Chair  
Senator Clarence Nishihara, Vice Chair

**FROM:** Allen Cardines, Jr., Executive Director

**RE:** Strong Opposition to HB 2227 HD 1 Relating to Birth Certificates

Honorable Chairs and members of the Senate Committee on Health, I am Allen Cardines, representing the Hawaii Family Forum. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations. We strongly oppose this bill for several reasons:

#### **STATE INTEREST IN CREATING FALSE IDENTITIES**

First and foremost, we do not see why the state would have an interest in promoting false identities and creating situations that could potentially force churches to provide services that are contrary to their religious tenets. The bill as written creates a strong potential for fraud or fraudulent representations by someone looking to dissociate from their past.

#### **RELIGIOUS FREEDOM DENIED UNDER SMOKE AND MIRROR LAW**

Remember the "pregnant man" that Oprah kept having on her show from a few years ago? Of course, the "man" at issue isn't a man at all, but Oregon law states that if you have a surgery, you can change your birth certificate (a VITAL RECORD). This woman had her breasts, and only her breasts, removed. She then proceeded to get her birth certificate changed. Then, although Oregon has a constitutional amendment protecting marriage as one man and one woman, she got a marriage license issued to her and her girlfriend. All because Oregon now considered her to be a "man."

In this true-life scenario above, a church could then provide marriage rites (unknowingly) to a same-sex couple under the guise of false heterosexuality. Political activists know that blurring the sexes will ultimately make marriage meaningless. Please do not pass legislation that would put the church in the position of unwittingly promoting a lifestyle that is contrary to their religious belief. Religious freedom should never be sacrificed to appease advocates of sexual confusion.

#### **POTENTIAL FOR LEGAL QUAGMIRE**

We also strongly believe that just as a person is born a distinct race, they are also born a distinct sex. No amount of surgery can ever change your DNA. If this law is passed, we may likely see years of legal cases over things even more perverse than the situation noted above.

Mahalo for the opportunity to testify.



**HAWAII CATHOLIC CONFERENCE**  
6301 Pali Highway  
Kaneohe, HI 96744-5224

---

Email: [HTHTestimony@capitol.hawaii.gov](mailto:HTHTestimony@capitol.hawaii.gov)  
Hearing on: Friday, March 16, 2012 @ 1:30 p.m.  
Conference Room: 229

**DATE:** March 16, 2012  
**TO:** **Senate Committee on Health**  
Senator Josh Green, Chair  
Senator Clarence Nishihara, Vice Chair  
**From:** Walter Yoshimitsu, Executive Director  
**Re:** Strong Opposition to HB 2227 HD 1 Relating to Birth Certificates

Honorable Chairs and members of the Senate Committee on Health, I am Walter Yoshimitsu, representing the Hawaii Catholic Conference. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii, which under the leadership of Bishop Larry Silva, represents Roman Catholics in Hawaii.

We oppose this bill because our church teaches that the altered condition of a member of the faithful under civil law does not change one's canonical condition, which is male or female as determined at the moment of birth.

Marriage between members of the same sex is not legal in the State of Hawaii. Passage of this legislation opens the door to marriage between members of the same sex. Almost 70% of the people of Hawaii made it clear that marriage is between one man and one woman.

For matters like marriage, the church considers only the genetic gender of the individual. Thus a male who undergoes surgery to become female could not marry a man, even if they were able to obtain a marriage license, because the church would regard this as a same-sex marriage of two males. Further, a female who undergoes surgery to become a male will not be able to marry a woman even though the state would now consider them as an opposite-sex couple.

Language in the bill states "The new certificate shall not be marked as having been amended and shall in no way reveal the original language changed by the amendment. Thereafter, the original certificate and the evidence supporting the preparation of the new certificate shall be sealed and filed." Under this strict language, the Catholic Church, and other religious organizations, would have no way of knowing that the individual asking for marriage has assumed a different gender. That would indirectly put everyone in the position of inadvertently officiating over same-sex "marriages."

During late 2008, Pope Benedict XVI said in a speech that our gender was a gift from the creator. He denounced those who would try to change it. He said: "It is a question here of faith in the Creator and of listening to the language of creation, the devaluation of which leads to the self-destruction of man and therefore to the destruction of the same work of God."

Please do not pass this disingenuous legislation. Mahalo for the opportunity to testify.

6301 Pali Highway • Kaneohe, HI 96744-5224 • Ph: 808-203-6735 • Fax: 808-261-7022  
E-mail: [w Yoshimitsu@rcchawaii.org](mailto:w Yoshimitsu@rcchawaii.org) | [hcc@rcchawaii.org](mailto:hcc@rcchawaii.org) | [www.catholicahawaii.org](http://www.catholicahawaii.org)





March 16, 2012

To: Senator Josh Green, Chair  
Senator Clarence Nishihara, Vice Chair and  
Members of the Committee on Health

From: Jeanne Ohta, Co-Chair  
Hawai'i State Democratic Women's Caucus

RE: HB 2227 HD1 Relating to Birth Certificates  
Hearing: March 16, 2012, 1:30 p.m., Room 229

Position: Support

The Hawai'i State Democratic Women's Caucus writes in support of HB 2227 HD1 Relating to Birth Certificates. HB 2227 would streamline current law regarding how people born in Hawai'i can receive an updated birth certificate.

HB 2227 HD1 would allow people to use a simplified process that requires medical certification from a physician that the individual has undergone appropriate treatment for them to obtain a new birth certificate to reflect their gender. This change conforms Hawai'i's standards to the standards set by the United States Department of State for federal birth certificates given to U.S. citizens born outside of the U.S. (known as Consular Reports of Birth Abroad) as well as gender marker changes on U.S. passports. HB 2227 HD1 also ensures that medical privacy is respected.

For transgender people, recognition of their gender is a matter of basic human dignity. They need identification that represents who they are. Nationally, individuals who showed ID in their daily life that did not match their gender presentation, 40% reported being harassed, 3% reported being assaulted, and 15% reported being denied entry or asked to leave.

Hawai'i has long had a law that allows people to obtain a new birth certificate reflecting who they truly are. Unfortunately this law contains procedural barriers that make the process onerous and confusing, and it has become out-of-date with current medical standards relating to transgender people. This bill would alleviate the confusion around what needs to be shown to update one's birth certificate, while also updating the medical requirements as well. In so doing, the bill should also reduce the anxiety - and real danger - that transgender people face when they have identity documents that do not reflect who they are.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawai'i's women and girls. It is because of this mission, the Women's Caucus supports this measure. We respectfully ask the committee to pass it out.

# COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phones/E-Mail: (808) 533-3454, (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON HEALTH

Sen. Josh Green, Chair

Sen. Clarence Nishihara, Vice Chair

Friday, March 16, 2012

1:30 p.m.

Room 229

## STRONG SUPPORT FOR HB 2227 HD1 - BIRTH CERTIFICATES

Aloha Chair Green, Vice Chair Nishihara and Members of the Committee!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered, always being mindful that 6,000 Hawai'i individuals are living behind bars, including 1,800 men who are serving their sentences abroad, thousands of miles from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

Community Alliance on Prisons is in strong support of this measure that provides birth certificates for persons who have undergone a gender transition.

Mahalo for hearing this bill and for your anticipated thoughtful deliberation and passage of this civil rights measure.

Transgender persons face numerous obstacles in their daily lives such as obtaining licenses, accessing social services, even cashing checks at banks, etc.

For those who come in contact with the criminal justice system contact is complicated by the lack of a birth certificate reflecting their lived gender. Incarceration is difficult for all persons, and especially so for a transgender person when there is no clear protocol as to what facility would be appropriate in which to house the person.

We have been aware of many cases where a transgender person was placed in a facility according to the original birth certificate, not their lived gender, and because of this has been placed in harm's way.

National survey data from the World Professional Association for Transgender Health<sup>1</sup> indicate that transgender persons who are unable to obtain gender-congruent identity documents are less likely to be employed and more likely to face discrimination in employment and housing.

---

<sup>1</sup> [www.wpath.org/](http://www.wpath.org/)

Forty percent (40%) of transgender persons report experiencing harassment and fifteen percent (15%) report being asked to leave a place of business as a result of showing identification that does not match their lived gender. Significant numbers of transgender persons have also experienced physical violence.

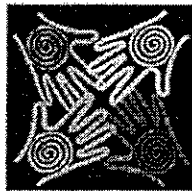
Transgender people of color experience these adverse outcomes at substantially higher rates.

The American Medical Association advises that *"transgender persons should have access to identity documents consistent with their gender identity and expression,"* and recommends that *"those permanently socially transitioned to another gender role"* not be made to *"involuntarily disclose their status as transgender."*

The American Association of Motor Vehicle Administrators has also endorsed policies that would permit transgender drivers to obtain gender-congruent driver's licenses without proof of surgery.

Community Alliance on Prisons, therefore, urges the committee to pass SB 2227 HD1 so that all citizens of Hawai'i can enjoy life, liberty and the pursuit of happiness enshrined in our Constitution.

Mahalo for this opportunity to testify on this important bill.



**PRIDE@WORK**  
**Hawai'i**

*Lesbian, Gay, Bisexual, and Transgender Workers and Allies*

March 16, 2012

Senate Committee on Health  
Chair, Sen. Josh Green  
Vice Chair, Sen. Clarence Nishihara

**Testimony in STRONG SUPPORT of HB 2227 HD1 relating to birth certificates**

Pride At Work Hawai'i, an affiliate of the Hawai'i State AFL-CIO which works to mobilize lesbian, gay, bisexual, and transgender (LGBT) workers and their supporters for full equality and to build mutual support between the labor movement and the LGBT community, strongly supports HB 2227 HD1, which would expand the reasons to change gender on state birth certificates.

Current state law requires that a doctor certify that someone has undergone sex reassignment surgery in order to change gender on a birth certificate. However, surgery can be prohibitively expensive (and, like other transgender-related treatments, is not covered by Hawai'i health insurance plans), and many people who live as a different gender than their birth certificates show do not want or shouldn't have surgery. Having an important government document like a birth certificate showing a different gender than how a person lives can create many problems, especially as governments and employers require identification for many purposes. Without the consistent identification (whether on drivers licenses, birth certificates, or passports) that many non-transgender people take for granted, it can be embarrassing - if not impossible - to travel, open a bank account, or apply for a job. It can also create many difficulties when dealing with government agencies and law enforcement.

This bill, by adding "hormonal or other treatment appropriate for that individual for the purpose of gender transition" to surgery as the allowable requirements to get a new birth certificate with a new gender designation, is an important step toward full inclusiveness for transgender and gender-non-conforming people, as is language requiring the State to seal the original birth certificate and not allow the new document to show that it is a replacement.

We strongly urge you to stand up for equality, dignity and fair treatment for all by supporting this bill.

SUBMITTED BY :

STEVE DINION  
President

Testimony of Lisa Mottet, Esq., Regarding HB 2227, Relating to Birth Certificates

Hearing in the Health Committee

1:30 pm --- March 16, 2012

Aloha, Chairman Green, Vice Chair Nishihara and members of the Health Committee:

Thank you for receiving this testimony in support of HB 2227, Relating to Birth Certificates. For the last ten years, I have served as the Transgender Civil Rights Project Director at the National Gay and Lesbian Task Force. In this role, I am proud to say that I have been involved with Hawai'i's transgender community's efforts to successfully pass hate crimes and non-discrimination legislation, all of which passed with overwhelming majorities through the Legislature over the past several years.

For transgender people, recognition of their gender is a matter of basic human dignity. In order to live as their authentic selves in a safe and stable way, transgender people need identification that represents who they are. Unfortunately, the National Transgender Discrimination Survey indicated that only 24% of transgender people nationally had been able to update the gender marker on their birth certificate. And, for individuals who showed ID in their daily life that did not match their gender presentation, 40% reported being harassed, 3% reported being assaulted, and 15% reported being denied entry or asked to leave. Although the number of participants in the survey from Hawai'i was small (about 20 people), the information from those living in Hawai'i is similar to the national data:

- Only 22% of transgender Hawaiians said they had been able to update the gender marker on their birth certificate
- 28% of Hawaiians reported being denied this update to their birth certificate
- 50% of Hawaiians reported not even trying to update their birth certificate

Hawai'i has long had a law that allows people to obtain a new birth certificate reflecting who they truly are. Unfortunately this law contains procedural barriers that make the process onerous and confusing, and it has become out-of-date with current medical standards relating to transgender people. HB 2227, Relating to Birth Certificates, is a technical bill that would alleviate the confusion around what needs to be shown to update one's birth certificate, while also updating the medical requirements as well. In so doing, the bill should also reduce the anxiety - and real danger - that transgender people face when they have identity documents that do not reflect who they are.

HB 2227 would streamline current law regarding how people born in Hawai'i can receive an updated birth certificate. HB 2227 would allow people to use a simplified process that requires medical certification from a physician that the individual has undergone appropriate treatment for them to obtain a new birth certificate to reflect their gender. This change conforms Hawai'i's

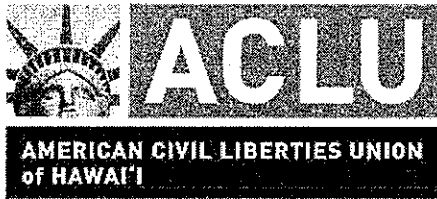
standards to the standards set by the United States Department of State for federal birth certificates given to U.S. citizens born outside of the U.S. (known as Consular Reports of Birth Abroad) as well as gender marker changes on U.S. passports. Further, the bill contains information on how to indicate a name change has taken place, making the process more clear for qualified petitioners to navigate. HB 2227 also ensures that medical privacy is respected. Because it simplifies an already existing process, HB 2227 should be a cost-neutral update to this section of the law and may actually generate cost savings for the government in the long term.

Transgender people, like everyone else, deserve to live with dignity and respect. For transgender people, something as simple as government recognition of their authentic gender identity goes a long way. Thank you for considering this very technical, but important, piece of legislation.

For all of these reasons, I respectfully request that this committee pass HB 2227.

Please feel free to be in contact with me if you have any questions.

Lisa Mottet, Esq.  
Transgender Civil Rights Project Director  
National Gay and Lesbian Task Force  
1325 Massachusetts Avenue NW, Suite 600  
Washington, DC 20005  
202.639.6308 - Direct  
E-mail: [lmottet@thetaskforce.org](mailto:lmottet@thetaskforce.org)  
Web: [www.theTaskForce.org](http://www.theTaskForce.org)



Committee: Committee on Health  
Hearing Date/Time: Friday, March 16, 2012, 1:30 p.m.  
Place: Room 229  
Re: Testimony of the ACLU of Hawaii in Strong Support of H.B. 2227, HD1,  
Relating to Birth Certificates

Dear Chair Green and Members of the Committee on Health:

The ACLU of Hawaii strongly supports H.B. 2227, HD2 and thanks this committee for the opportunity to present testimony today regarding proposed amendments that will eliminate barriers to the issuance of new birth certificates for transgender persons.

**H.B. 2227, HD1 seeks to modernize and simplify Hawaii law with regard to the process to amend the “M” or “F” designation on birth certificates<sup>1</sup> and will require only minimal administrative costs.**

The ACLU of Hawaii has been working with Department of Health representatives to address their concerns with the process that this bill seeks to amend. Given that we have the same goals, we are confident that we will be able to come to a mutually agreeable resolution of their concerns.

Current law presents numerous barriers to transgender individuals who seek to correct the sex designation on his/her birth certificates, including requiring that transgender individuals undergo costly and potentially dangerous surgical procedures without regard for whether that person wants or has any medical need for the surgeries.

A birth certificate is a vital document needed to obtain identification such as a driver's license or passport, to prove eligibility for employment, and to apply for many types of social services. Transgender persons face serious obstacles in accessing these necessary identity documents without a birth certificate that accurately reflects their current sex/gender. Incorrect sex/gender

---

<sup>1</sup> The ACLU of Hawaii defers to the Department of Health's preference to use the term “sex designation” in this legislation to refer to the “M” or “F” designation on identification documents, rather than the term “gender marker,” which is also popularly used to refer to the “M” or “F” designation on identification documents. H.B. 2227, HD1 does not seek to make a scientific distinction between “sex” and “gender”; it seeks only to improve the process whereby a person amends the “M” or “F” designation on a birth certificate.

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

Hon. Sen. Green, Chair, HTH Committee  
and Members Thereof  
March 16, 2012  
Page 2 of 3

identification may lead to bias, harassment, or discrimination, and makes it more difficult for government officials or agencies to accurately identify transgender people.

For transgender individuals, identification documents can frequently function as a kind of scarlet letter, with the “F” or “M” designation contradicting the individual’s appearance and expressed sex/gender identity and outing him or her as a transgender individual. Transgender individuals may have trouble even cashing a check at the bank if the sex/gender displayed on their driver’s license does not reflect their appearance. Law enforcement is impeded too when individuals’ identification documents fail to reflect their appearance and lived sex/gender.

National survey data from the World Professional Association for Transgender Health indicate that transgender people who are unable to obtain sex/gender-congruent identity documents are less likely to be employed and more likely to face discrimination in employment and housing. Transgender people commonly report experiencing harassment (40%) and being asked to leave a place of business (15%) as a result of showing identification that does not match their lived sex/gender, and significant numbers have also experienced physical violence as a result. Transgender people of color experience these adverse outcomes at substantially higher rates.

Accordingly, the American Medical Association advises that “transgender persons should have access to identity documents consistent with their gender identity and expression,” and recommends that “those permanently socially transitioned to another gender role” not be made to “involuntarily disclose their status as transgender.” The American Association of Motor Vehicle Administrators has also endorsed policies that would permit transgender drivers to obtain sex/gender-congruent driver’s licenses without proof of surgery.

H.B. 2227, HD1, conforms Hawaii’s laws to those set by the United States Department of State for federal birth certificates given to U.S. citizens born outside of the U.S. (known as Consular Reports of Birth Abroad) as well as for gender marker changes on U.S. passports. In addition, a growing number of states have stopped requiring surgery for changing the gender marker on a driver’s license.

Policies that follow these best practices are easy to understand and administer, ensure consistency in application, and most importantly, eliminate needless and harmful barriers for transgender people. Identification that reflects an individual’s lived sex/gender will also make it easier for law enforcement, customs, and other officials to quickly and accurately identify individuals in the course of their daily business.

American Civil Liberties Union of Hawai’i  
P.O. Box 3410  
Honolulu, Hawai’i 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)



Hon. Sen. Green, Chair, HTH Committee  
and Members Thereof  
March 16, 2012  
Page 3 of 3

Hawaii counties will soon consider similar changes to county ordinances that regulate the process to amend the sex designation on driver's licenses. We anticipate that those amendments will be heard in public hearing soon. Amending these laws and ordinances through the legislative and administrative hearing processes will avoid litigation like that recent brought in Alaska and Illinois by ACLU affiliates.<sup>2</sup>

With the increasing demand for identification since September 11, 2001, it is particularly important that transgender persons have access to accurate identity documents. Without accurate identification, transgender persons have limited ability to work, vote, travel, enter buildings, or otherwise participate fully in society. Transgender people need birth certificates that accurately indicate their true sex/gender and reflect the individualized nature of transgender health care and experience.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Sincerely,

Laurie A. Temple  
Staff Attorney

---

<sup>2</sup> See <http://www.aclu.org/lgbt-rights/alaska-requirements-correcting-transgender-drivers-licenses-are-unconstitutional-says> and <http://www.aclu-il.org/grey-v-arnold22/>.

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808.522-5900  
F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

## Green4 - Mailene

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 15, 2012 12:45 PM  
**To:** HTHTestimony  
**Cc:** jbsestak@prodigy.net  
**Subject:** Testimony for HB2227 on 3/16/2012 1:30:00 PM

Testimony for HTH 3/16/2012 1:30:00 PM HB2227

Conference room: 229  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Betty Sestak  
Organization: AAUW Windward Branch  
E-mail: [jbsestak@prodigy.net](mailto:jbsestak@prodigy.net)  
Submitted on: 3/15/2012

Comments:

## Green4 - Mailene

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 15, 2012 1:05 PM  
**To:** HTHTestimony  
**Cc:** fosters005@hawaii.rr.com  
**Subject:** Testimony for HB2227 on 3/16/2012 1:30:00 PM

Testimony for HTH 3/16/2012 1:30:00 PM HB2227

Conference room: 229  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Shelby Foster  
Organization: Hawaii Advocates For Consumer Rights  
E-mail: [fosters005@hawaii.rr.com](mailto:fosters005@hawaii.rr.com)  
Submitted on: 3/15/2012

### Comments:

Please support the long-needed legislation. Whatever your personal or religious views of the matter, those struggling with the complicated issues involving their gender ID deserve to have their path made easier to negotiate as this bill would do. Makalo for your kind consideration.



---

*Senate Health Committee  
Friday, March 16<sup>th</sup> 1:30 PM  
Room 229*

**Strong Support of HB 2227 HD1**

Dear Chair Green, Vice Chair Nishihara and members of the committee:

I am writing in strong support of HB 2227 HD1, relating to birth certificates. My name is Heather Lusk, and I work in the HIV and viral hepatitis field. While this may not seem related to the issue of transgenders and birth certificates, my experience working with the transgender community (who are at increased risk for HIV and hepatitis) is that when individuals are able to fulfill their true potential and get their basic needs met, they have more ability to address the potential harms of diseases like HIV or hepatitis C.

This bill represents critically important legislation to our community. It seeks to remove unfair requirements that encumber a transgender individual's ability to change the gender marker designation on his or her birth certificate. It also attempts to align policy with contemporary medical knowledge and practice. This bill appropriately defers to personal physicians - rather than to state officials - the competency and authority to evaluate and substantiate the qualifying conditions of gender transition. HB2227 HD1 also does not task the Department of Health with the responsibility of defining gender, but asks that it update the gender marker ("M" or "F") on birth certificates according to clinical - not bureaucratic -

HB2227 HD1 will give transgender individuals more privacy and control over their personal information. Most importantly, it will remove government-imposed barriers that perpetuate discrimination and hinder social and legal recognition ... recognition we take for granted that fosters dignity and enables us to participate as full citizens in society.

Thank you for the opportunity to testify.

Heather Lusk  
Acting Director, CHOW Project  
Director, Hep Free Hawai'i  
[hlusk@chowproject.org](mailto:hlusk@chowproject.org)

## Green4 - Mailene

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 14, 2012 1:45 PM  
**To:** HTHTestimony  
**Cc:** kahanakitty@gmail.com  
**Subject:** Testimony for HB2227 on 3/16/2012 1:30:00 PM

Testimony for HTH 3/16/2012 1:30:00 PM HB2227

Conference room: 229  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Kahana Ho  
Organization: Individual  
E-mail: [kahanakitty@gmail.com](mailto:kahanakitty@gmail.com)  
Submitted on: 3/14/2012

### Comments:

re: STRONG SUPPORT for HB2227 HD1 Relating to Birth Certificates

Aloha, Esteemed Chair Green, Vice-Chair Nishihara, and members of the Senate Committee on Health.

I am writing in Strong Support of HB2227 HD1 Relating to Birth Certificates.

As a life-long resident of Hawai'i, and as a transgender individual, passage of HB2227 would have profound effects on myself, as well as on all transgender people born here.

After starting my transition, I encountered many incidents of discrimination and harassment, all arising from disclosure of my birth gender upon producing my photo ID. As examples, I have been questioned openly (and loudly) about my identity and gender when picking up prescription medication, cashing a check, renewing my Driver's License, and the worst, when undergoing TSA inspection at the airport. I am fortunate: I have not yet been physically assaulted, or worse, as has happened to other transgender people here in Hawai'i.

All of these trace back to a common problem: my gender expression or presentation does not align with the gender marker which is defined by the sex marker on my Birth Certificate. The current law permits transgender individuals to change their sex marker only if they have a notarized letter from the surgeon who has performed a Sex Reassignment Surgery (SRS) on her/him.

The reality is that SRS is often unaffordable, medically inadvisable, or sometimes not even necessary for successfully resolving gender dysphoria. But we, as transgender individuals, face discrimination if we cannot change that sex marker, no matter how we present, no matter how we live our lives. A bitter irony is that in order to qualify for SRS, we must live "full-time" up to two years minimum in our identified gender (the so-called, "Real-Life Experience", or RLE), but without proper identification, even getting a job can be a impossibility, therefore disqualifying us from successfully completing the RLE.

HB2227 HD1 is remarkable because it not only addresses these problems, but ensures that transgender individuals do not have to resort to courts or other processes to affirm a private medical process of

gender identity, keeping transition a clinical process between the individual and her/his medical providers, and not involving those who have no clinical knowledge or competency to make such decisions. It also ensures that a new birth certificate is issued and the old one sealed, ensuring transgender individuals privacy and safety by protecting their medical history. Finally, it ensures that transgender individuals have due process and recourse to ensure that their requests are respected and fulfilled, with designated means of appealing refusals to change the marker.

HB2227 HD1 represents the best recommendations of organizations such as the World Professional Association on Transgender Health (Policy Position Statement June 16 2010 [http://www.wpath.org/publications\\_public\\_policy.cfm](http://www.wpath.org/publications_public_policy.cfm)) and the National Center for Transgender Equality recommendations regarding revisions to the outdated (1992) Model Vital Statistics Act and Regulations (<http://transgenderequality.wordpress.com/2011/06/22/policy-brief-birth-certificate-gender-markers/>).

I respectfully request that the Committee on Health pass HB2227 HD1, unamended, as a step forward for the equal rights of transgender individuals in Hawai'i.

Mahalo ā nui loa, ā me ke  
Aloha Pūmehana,  
Kahana Ho

## Testifying in Support of HB2227 HD1

Aloha, Chairman Green, Vice Chair Nishihara and members of the Senate Health Committee:

My name is Kintaro Yonekura and I testify in strong support of HB2227 HD1, relating to birth certificates.

This bill represents critically important legislation to our community. It seeks to remove unfair requirements that encumber a transgender individual's ability to change the gender marker designation on his or her birth certificate. It also attempts to align policy with contemporary medical knowledge and practice.

Barriers imposed by existing legislation which this bill seeks to remedy include: the requirement to undergo a sex change operation; lack of explicit language that prohibits government officials from requiring additional documentation not specified in policy; the absence of a clear mechanism by which individuals can update their names concurrently with or before or after they update their gender.

This bill appropriately defers to personal physicians - rather than to state officials - the competency and authority to evaluate and substantiate the qualifying conditions of gender transition. HB2227 HD1 also does not task the Department of Health with the responsibility of defining gender, but asks that it update the gender marker ("M" or "F") on birth certificates according to clinical - not bureaucratic - assessments and expertise.

Furthermore, the proposals in the bill are not unprecedented as evidenced by policies enacted by a growing number of states and the U.S. Department of State.

HB2227 HD1 will give transgender individuals more privacy and control over their personal information. Most importantly, it will remove government-imposed barriers that perpetuate discrimination and hinder social and legal recognition ... recognition we take for granted that fosters dignity and enables us to participate as full citizens in society.

As a community member, citizen and friend of our Transgendered community, I respectfully request that this committee pass HB2227 HD1.

## Green4 - Mailene

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 15, 2012 10:59 AM  
**To:** HTHTestimony  
**Cc:** einoue808@gmail.com  
**Subject:** Testimony for HB2227 on 3/16/2012 1:30:00 PM

Testimony for HTH 3/16/2012 1:30:00 PM HB2227

Conference room: 229  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Micah Inoue  
Organization: Individual  
E-mail: [einoue808@gmail.com](mailto:einoue808@gmail.com)  
Submitted on: 3/15/2012

Comments:  
Testifying in Support of HB2227 HD1

Aloha, Chairman Green, Vice Chair Nishihara and members of the Senate Health Committee:

My name is Micah Inoue and I testify in strong support of HB2227 HD1, relating to birth certificates.

This bill represent critically important legislation to our community. It seeks to remove unfair requirements that encumber a transgender individual's ability to change the gender marker designation on his or her birth certificate. It also attempts to align policy with contemporary medical knowledge and practice.

Barriers imposed by existing legislation which this bill seeks to remedy include: the requirement to undergo a sex change operation; lack of explicit language that prohibits government officials from requiring additional documentation not specified in policy; the absence of a clear mechanism by which individuals can update their names concurrently with or before or after they update their gender.

This bill appropriately defers to personal physicians - rather than to state officials - the competency and authority to evaluate and substantiate the qualifying conditions of gender transition. HB2227 HD1 also does not task the Department of Health with the responsibility of defining gender, but asks that it update the gender marker ('M' or 'F') on birth certificates according to clinical - not bureaucratic - assessments and expertise.

Furthermore, the proposals in the bill are not unprecedented as evidenced by policies enacted by a growing number of states and the U.S. Department of State.

HB2227 HD1 will give transgender individuals more privacy and control over their personal information. Most importantly, it will remove government-imposed barriers that perpetuate discrimination and hinder social and legal recognition ... recognition we take for granted that fosters dignity and enables us to participate as full citizens in society.



As an Equality Hawaii member, I respectfully request that this committee pass HB2227 HD1.

## Green4 - Mailene

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 15, 2012 11:01 AM  
**To:** HTHTestimony  
**Cc:** rossut@hawaii.edu  
**Subject:** Testimony for HB2227 on 3/16/2012 1:30:00 PM

Testimony for HTH 3/16/2012 1:30:00 PM HB2227

Conference room: 229  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Ross Uehara-Tilton  
Organization: Individual  
E-mail: [rossut@hawaii.edu](mailto:rossut@hawaii.edu)  
Submitted on: 3/15/2012

Comments:  
Testifying in Support of HB2227 HD1

Aloha, Chairman Green, Vice Chair Nishihara and members of the Senate Health Committee:

My name is Ross Uehara-Tilton and I testify in strong support of HB2227 HD1, relating to birth certificates.

This bill represent critically important legislation to our community. It seeks to remove unfair requirements that encumber a transgender individual's ability to change the gender marker designation on his or her birth certificate. It also attempts to align policy with contemporary medical knowledge and practice.

Barriers imposed by existing legislation which this bill seeks to remedy include: the requirement to undergo a sex change operation; lack of explicit language that prohibits government officials from requiring additional documentation not specified in policy; the absence of a clear mechanism by which individuals can update their names concurrently with or before or after they update their gender.

This bill appropriately defers to personal physicians - rather than to state officials - the competency and authority to evaluate and substantiate the qualifying conditions of gender transition. HB2227 HD1 also does not task the Department of Health with the responsibility of defining gender, but asks that it update the gender marker ("M" or "F") on birth certificates according to clinical - not bureaucratic - assessments and expertise.

Furthermore, the proposals in the bill are not unprecedented as evidenced by policies enacted by a growing number of states and the U.S. Department of State.

HB2227 HD1 will give transgender individuals more privacy and control over their personal information. Most importantly, it will remove government-imposed barriers that perpetuate discrimination and hinder social and legal recognition ... recognition we take for granted that fosters dignity and enables us to participate as full citizens in society.

Testimony  
HB 2227

I am strongly in support of increasing the ability for transgendered and gender non-conforming individuals to choose the gender designation on their birth certificates. It unnecessarily complicates life for everyone in the community not to allow individuals to designate their gender.

TESTIFIER POSITION: SUPPORT  
SUBMITTED BY: MARY MORGAN EVANS  
ROVD ON: MARCH 15, 2012 @ 12:20PM

*Testifying in Support of HB2227 HD1*

*Aloha, Chairman Green, Vice Chair Nishihara and members of the Senate Health Committee:*

*My name is Nicole Schubert and I testify in strong support of HB2227 HD1, relating to birth certificates.*

*This bill represents critically important legislation to our community. It seeks to remove unfair requirements that encumber a transgender individual's ability to change the gender marker designation on his or her birth certificate. It also attempts to align policy with contemporary medical knowledge and practice.*

*Barriers imposed by existing legislation which this bill seeks to remedy include: the requirement to undergo a sex change operation; lack of explicit language that prohibits government officials from requiring additional documentation not specified in policy; the absence of a clear mechanism by which individuals can update their names concurrently with or before or after they update their gender.*

*This bill appropriately defers to personal physicians - rather than to state officials - the competency and authority to evaluate and substantiate the qualifying conditions of gender transition. HB2227 HD1 also does not task the Department of Health with the responsibility of defining gender, but asks that it update the gender marker ("M" or "F") on birth certificates according to clinical - not bureaucratic - assessments and expertise.*

*Furthermore, the proposals in the bill are not unprecedented as evidenced by policies enacted by a growing number of states and the U.S. Department of State.*

*HB2227 HD1 will give transgender individuals more privacy and control over their personal information. Most importantly, it will remove government-imposed barriers that perpetuate discrimination and hinder social and legal recognition ... recognition we take for granted that fosters dignity and enables us to participate as full citizens in society.*

*As an Equality Hawaii member, I respectfully request that this committee pass HB2227 HD1.*

## Green4 - Mailene

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 15, 2012 12:53 PM  
**To:** HTHTestimony  
**Cc:** winstonwelch@yahoo.com  
**Subject:** Testimony for HB2227 on 3/16/2012 1:30:00 PM

Testimony for HTH 3/16/2012 1:30:00 PM HB2227

Conference room: 229  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Winston Welch  
Organization: Individual  
E-mail: [winstonwelch@yahoo.com](mailto:winstonwelch@yahoo.com)  
Submitted on: 3/15/2012

Comments:

Aloha,

It's time we respect all individuals, and that also goes for the government. To do less is to reject our common humanity.

This bill gives us all one more chance to affirm our individual worth for the good of all.

Please support it, advocate for it and pass it wholeheartedly.

Winston Welch  
Honolulu, HI

## Green4 - Mailene

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 15, 2012 1:08 PM  
**To:** HTHTestimony  
**Cc:** Sasheir@yahoo.com  
**Subject:** Testimony for HB2227 on 3/16/2012 1:30:00 PM

Testimony for HTH 3/16/2012 1:30:00 PM HB2227

Conference room: 229  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Sharain S Naylor  
Organization: Individual  
E-mail: [Sasheir@yahoo.com](mailto:Sasheir@yahoo.com)  
Submitted on: 3/15/2012

Comments:

Dear Chairman Green, Vice Chair Nishihara and members of the Senate Health Committee,

My name is Julie Uyeno-Pidot and I am writing to you in support of HB2227 HD1, which would make the process of changing the designated gender on a birth certificate more flexible for transgender individuals. While I have been fortunate to identify with the gender I was designated at birth, some people are not so privileged. Transgender people should be allowed to have the sex on their birth certificates match up with the one that they identify with, regardless of whether or not they choose to (or can afford to) undergo gender reassignment surgery. After all, gender is just as much about psychology as it is about biology. Not providing this kind of consistency to transgender individuals is demeaning and inaccurate. Thank you for your time and consideration.

Mahalo,

Julie Uyeno-Pidot  
3626 Crater Rd.  
Honolulu, HI 96816  
808-778-4284

## Green4 - Mailene

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 15, 2012 2:19 PM  
**To:** HTHTestimony  
**Cc:** LeoKirk@aol.com  
**Subject:** Testimony for HB2227 on 3/16/2012 1:30:00 PM

Testimony for HTH 3/16/2012 1:30:00 PM HB2227

Conference room: 229  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Leanne Kirk  
Organization: Individual  
E-mail: [LeoKirk@aol.com](mailto:LeoKirk@aol.com)  
Submitted on: 3/15/2012

### Comments:

Testifying in Support of HB2227 HD1 Aloha, Chairman Green, Vice Chair Nishihara and members of the Senate Health Committee: My name is Leanne Kirk, and I testify in strong support of HB2227 HD1, relating to birth certificates. This bill represent critically important legislation to our community. It seeks to remove unfair requirements that encumber a transgender individual's ability to change the gender marker designation on his or her birth certificate. It also attempts to align policy with contemporary medical knowledge and practice. Barriers imposed by existing legislation which this bill seeks to remedy include: the requirement to undergo a sex change operation; lack of explicit language that prohibits government officials from requiring additional documentation not specified in policy; the absence of a clear mechanism by which individuals can update their names concurrently with or before or after they update their gender. This bill appropriately defers to personal physicians - rather than to state officials - the competency and authority to evaluate and substantiate the qualifying conditions of gender transition. HB2227 HD1 also does not task the Department of Health with the responsibility of defining gender, but asks that it update the gender marker ("M" or "F") on birth certificates according to clinical - not bureaucratic - assessments and expertise. Furthermore, the proposals in the bill are not unprecedented as evidenced by policies enacted by a growing number of states and the U.S. Department of State. HB2227 HD1 will give transgender individuals more privacy and control over their personal information. Most importantly, it will remove government-imposed barriers that perpetuate discrimination and hinder social and legal recognition ... recognition we take for granted that fosters dignity and enables us to participate as full citizens in society. As an Equality Hawaii member, I respectfully request that this committee pass HB2227 HD1.

Thank you.

Leanne Kirk



## Green4 - Mailene

---

**From:** leokirk@aol.com  
**Sent:** Thursday, March 15, 2012 2:20 PM  
**To:** HTHTestimony  
**Subject:** Testimony In Support Of HB2227 HD1

Testifying in Support of HB2227 HD1 Aloha, Chairman Green, Vice Chair Nishihara and members of the Senate Health Committee: My name is Leanne Kirk, and I testify in strong support of HB2227 HD1, relating to birth certificates. This bill represent critically important legislation to our community. It seeks to remove unfair requirements that encumber a transgender individual's ability to change the gender marker designation on his or her birth certificate. It also attempts to align policy with contemporary medical knowledge and practice. Barriers imposed by existing legislation which this bill seeks to remedy include: the requirement to undergo a sex change operation; lack of explicit language that prohibits government officials from requiring additional documentation not specified in policy; the absence of a clear mechanism by which individuals can update their names concurrently with or before or after they update their gender. This bill appropriately defers to personal physicians - rather than to state officials - the competency and authority to evaluate and substantiate the qualifying conditions of gender transition. HB2227 HD1 also does not task the Department of Health with the responsibility of defining gender, but asks that it update the gender marker ("M" or "F") on birth certificates according to clinical - not bureaucratic - assessments and expertise. Furthermore, the proposals in the bill are not unprecedented as evidenced by policies enacted by a growing number of states and the U.S. Department of State. HB2227 HD1 will give transgender individuals more privacy and control over their personal information. Most importantly, it will remove government-imposed barriers that perpetuate discrimination and hinder social and legal recognition ... recognition we take for granted that fosters dignity and enables us to participate as full citizens in society. As an Equality Hawaii member, I respectfully request that this committee pass HB2227 HD1.

Thank you.

Leanne Kirk

Kasha Ho'okili Ho  
2468 Lamaku Pl  
Honolulu, HI 96816

**Testimony to the Senate Health Committee**  
**Friday, March 16, 2012 at 1:30pm**  
**Testimony in Support of HB2227 - RELATING TO BIRTH CERTIFICATES**

Dear Senate Health Chair Green, Vice Chair Nishihara, and Committee Members,

I submit my testimony in strong support for HB2227, allowing for the establishment of new birth certificates for transgender individuals.

For four years I was in a committed relationship with someone who identifies as transgender. It is from my personal experience that I ask for your support to pass this important legislation. My partner at the time was female to male transgender, he had undergone hormone therapy, and was publically perceived to be male.

He had not undergone sexual reassignment surgery, and therefore was unable to change many of his legal identification documents. Sexual reassignment surgery is incredibly expensive, not covered by health insurance, and is undesirable for many transgender people. Requiring surgery as a barrier to changing birth certificate sex status, as it is now in Hawaii – amounts to financial discrimination for those who are unable to afford it and sets a damaging precedent for those who do not want it.

If you can, for a moment, think back to the last 5 times you were asked to provide identification, and then imagine what it might be like to have the person asking you see a different sex designation on your document than how they perceive you. You can start to imagine how emotionally taxing and physically dangerous this situation can be. We had to make choices in our daily lives like not attending social gatherings at bars that might check his ID, and not traveling abroad because of the complications he might face at the border when he showed his passport.

We have an opportunity to make people's lives better, safer, and more healthy with the passage of this legislation. I recently read an incredible statistic that the average life span of a transgender person is 23 years ([Sylvia Rivera Law Project](#)). This felt impossible to me when I read it, but I know from personal experience that this is the tragic reality for many transgender people today – they face daily humiliation, discrimination, harassment, physical violence, and the internalized stress that all of these forces amount to.

I respectfully ask for your support to pass this important legislation that will provide tangible, real benefit for the lives of people living in Hawaii.

Mahalo nui loa,  
Kasha Ho'okili Ho

**LATE**

**Green4 - Mailene**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 15, 2012 3:09 PM  
**To:** HTHTestimony  
**Cc:** adonahue@hawaii.edu  
**Subject:** Testimony for HB2227 on 3/16/2012 1:30:00 PM

Testimony for HTH 3/16/2012 1:30:00 PM HB2227

Conference room: 229  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Amy Donahue  
Organization: Individual  
E-mail: [adonahue@hawaii.edu](mailto:adonahue@hawaii.edu)  
Submitted on: 3/15/2012

**Comments:**

I strongly support this legislation, which will update Hawai`i's current policies to make them somewhat less out of sync with native Hawaiian understandings of gender, more in sync with US national standards, and more respectful of the realities of transgender people's lives.

**LATE**

Dr. Milton Diamond, Ph.D.  
2550 Saul Place  
Honolulu, Hawaii 968816

**Testifying in Support of HB2227 HD1**

Chairman Green,  
Vice Chair Nishihara  
Members of the Senate Health Committee:

I am Dr. Milton Diamond, on the faculty of the University of Hawaii, John A. Burns School of Medicine. However, I am testifying for myself and not speaking for the medical school. I have been studying transsexuality and related issues for some 50 years and written extensively about it. My publications are available for free download on my website <[www.hawaii.edu/PCSS](http://www.hawaii.edu/PCSS)>

I have come to testify in strong support of HB2227 HD1, relating to birth certificates.

This bill represents critically important legislation for our community. It remedies a requirement to undergo a sex change operation in order for this to be allowed. In many, if not most cases, this will preclude individuals to be able to qualify; such surgery can cost tens of thousands of dollars. A clear and uncomplicated mechanism by which individuals can update their names to agree with their gender is needed and appropriate.

This bill appropriately defers to personal physicians - rather than to state officials - the competency and authority to evaluate and substantiate the qualifying conditions of gender transition. HB2227 HD1 also does not task the Department of Health with the responsibility of defining gender, but asks that it update the gender marker ("M" or "F") on birth certificates according to clinical - not bureaucratic - assessments and expertise.

Other states have already made similar changes and the British government has already done similarly. HB2227 HD1 will give transgender individuals more privacy and control over their personal information. Most importantly, it will remove government-imposed barriers that perpetuate discrimination and hinder social and legal recognition ... recognition we take for granted that fosters dignity and enables us to participate as full citizens in society.

I would be happy and available to answer any questions the committee might have.

I give my strong support of HB2227 HD1, relating to birth certificates.

Aloha,

Dr. Milton Diamond, Ph.D.  
Professor

## Green4 - Mailene

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 15, 2012 4:45 PM  
**To:** HTHTestimony  
**Cc:** frncsmont@aol.com  
**Subject:** Testimony for HB2227 on 3/16/2012 1:30:00 PM

Testimony for HTH 3/16/2012 1:30:00 PM HB2227

Conference room: 229  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Francisco Montes  
Organization: Individual  
E-mail: [frncsmont@aol.com](mailto:frncsmont@aol.com)  
Submitted on: 3/15/2012

Comments:  
Testifying in Support of HB2227 HD1

Aloha, Chairman Green, Vice Chair Nishihara and members of the Senate Health Committee:

My name is Francisco Montes and I testify in strong support of HB2227 HD1, relating to birth certificates.

This bill represent critically important legislation to our community. It seeks to remove unfair requirements that encumber a transgender individual's ability to change the gender marker designation on his or her birth certificate. It also attempts to align policy with contemporary medical knowledge and practice.

Barriers imposed by existing legislation which this bill seeks to remedy include: the requirement to undergo a sex change operation; lack of explicit language that prohibits government officials from requiring additional documentation not specified in policy; the absence of a clear mechanism by which individuals can update their names concurrently with or before or after they update their gender.

This bill appropriately defers to personal physicians - rather than to state officials - the competency and authority to evaluate and substantiate the qualifying conditions of gender transition. HB2227 HD1 also does not task the Department of Health with the responsibility of defining gender, but asks that it update the gender marker ("M" or "F") on birth certificates according to clinical - not bureaucratic - assessments and expertise.

Furthermore, the proposals in the bill are not unprecedented as evidenced by policies enacted by a growing number of states and the U.S. Department of State.

HB2227 HD1 will give transgender individuals more privacy and control over their personal information. Most importantly, it will remove government-imposed barriers that perpetuate discrimination and hinder social and legal recognition ... recognition we take for granted that fosters dignity and enables us to participate as full citizens in society.

As an Equality Hawaii member, I respectfully request that this committee pass HB2227 HD1.

## Green4 - Mailene

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 15, 2012 5:28 PM  
**To:** HTHTestimony  
**Cc:** jackieb@hmhb-hawaii.org  
**Subject:** Testimony for HB2227 on 3/16/2012 1:30:00 PM

Testimony for HTH 3/16/2012 1:30:00 PM HB2227

Conference room: 229  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Jackie Berry  
Organization:  
E-mail: [jackieb@hmhb-hawaii.org](mailto:jackieb@hmhb-hawaii.org)  
Submitted on: 3/15/2012

Comments:  
Please pass this bill.

*Testifying in Support of HB2227 HD1*

*Aloha, Chairman Green, Vice Chair Nishihara and members of the Senate Health Committee:*

*My name is Joseph Savino and I testify in strong support of HB2227 HD1, relating to birth certificates.*

*This bill represents critically important legislation to our community. It seeks to remove unfair requirements that encumber a transgender individual's ability to change the gender marker designation on his or her birth certificate. It also attempts to align policy with contemporary medical knowledge and practice.*

*Although I am not a transgendered or transsexual individual, I believe every citizen of the State of Hawaii deserves equal protection. Hawaii is the 'ALOHA STATE". Let's extend the Aloha to all of our ohana!*

*I respectfully request that this committee pass HB2227 HD1.*

*Mahalo for your time!*

*Joseph Savino*