
A BILL FOR AN ACT

RELATING TO CERTIFICATES OF BIRTH.

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) For changes in a birth registrant's gender
11 designation:
- 12 (A) Upon receipt of an affidavit of a physician that
13 the physician has examined the birth registrant
14 and has determined the following:
- 15 ~~[(A)]~~ (i) The birth registrant's ~~[sex]~~ gender
16 designation was entered incorrectly on the
17 birth registrant's birth certificate; or
- 18 ~~[(B)]~~ (ii) The birth registrant has had a ~~[sex]~~ gender
19 change operation and the ~~[sex]~~ gender
20 designation on the birth registrant's birth
21 certificate is no longer correct; provided
22 that the director of health may further



1 investigate and require additional
2 information that the director deems
3 necessary; or

4 (B) Upon receipt of a certified copy of a Hawaii
5 court order directing the department to change
6 the birth registrant's gender designation. The
7 court order shall establish that there is medical
8 evidence from the birth registrant's Hawaii-
9 licensed personal physician, or a physician
10 licensed in the United States who specializes in
11 gender identity or gender reassignment, that
12 supports a finding that the birth registrant has
13 undergone hormonal or other treatment appropriate
14 for that individual for the purpose of gender
15 transition, or has an intersex condition, and
16 that in the physician's opinion, the birth
17 registrant's gender designation should be changed
18 accordingly; and

19 (C) If the birth registrant is requesting a name
20 change on the new certificate, upon receipt of an
21 official copy of the legal name change document;
22 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 of birth shall not be
13 marked as having been amended and shall in no way reveal the
14 original information changed by the amendment. Thereafter, the
15 original certificate and the evidence supporting the preparation
16 of the 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."

19 SECTION 2. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 3. This Act shall take effect on July 1, 2013.

Report Title:

Birth Certificate; Gender Designation

Description:

Establishes the documentation that is required when requesting the Department of Health to issue a new birth certificate with a gender designation change and addresses related confidentiality issues. Effective July 1, 2013. (HB412 HD1)

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