

STAND. COM. REP. NO.

234

Honolulu, Hawaii

February 8, 2013

RE: H.B. No. 412
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 412
entitled:

"A BILL FOR AN ACT RELATING TO CERTIFICATES OF BIRTH,"

begs leave to report as follows:

The purpose of this measure is to expand the criteria for
Hawaii residents who want to change the gender designation on
their certificate of birth, including requiring:

- (1) A written request from the birth registrant;
- (2) A notarized statement from a licensed treating or
evaluating physician stating that:
 - (A) The birth registrant's gender designation was
entered incorrectly on the original birth
certificate; or
 - (B) The birth registrant has undergone surgical,
hormonal, or other treatment for gender transition;
and
- (3) An official copy of legal name change document if
requesting a name change on the certificate of birth.



This measure also establishes criteria for sealed documents and prohibits the Department of Health (DOH) from requiring certain medical information or records regarding new certificates of birth for a gender designation change.

The American Civil Liberties Union of Hawaii, Community Alliance on Prisons, Planned Parenthood of Hawaii, Honolulu Pride, Hawaii State Center for Nursing, Equality Hawaii, CHOW Project, and numerous concerned individuals supported this measure. The Hawaii Catholic Conference and numerous concerned individuals opposed this measure. The DOH offered comments on this measure.

Your Committee has amended this measure by:

- (1) Reinstating statutory language allowing a birth certificate to be amended upon receipt of an affidavit of a physician certifying that the birth registrant has been examined and has met certain requirements that warrant a change in the birth registrant's sex determination on the birth registrant's certificate of birth;
- (2) Removing language that would have made a written request submitted to DOH by the birth registrant, under penalty of perjury, one of the criteria required to obtain a change to the gender designation on an original birth certificate;
- (3) Removing language that would have allowed a change to be made to the gender designation on an original birth certificate upon submission of a notarized statement from a licensed treating or evaluating physician that the birth registrant met certain conditions to warrant a change in the birth registrant's gender determination on the birth registrant's certificate of birth to the DOH;
- (4) Requiring DOH to establish a new certificate of birth for a person who wants to change the gender on the original certificate of birth when that person provides a certified copy of a Hawaii court order directing DOH to change the birth registrant's gender designation; provided that a court order establishes certain evidence regarding the gender determination;



- (5) Including an intersex condition as medical evidence for the change to an individual's sex determination made through a court order;
- (6) Deleting language allowing sealed original birth certificates and the evidence supporting the preparation of a new certificate to be opened by a request of the birth registrant; and
- (7) Deleting language prohibiting DOH from requiring any additional medical information or records when issuing a new certificate of birth for changes to an individual's gender determination.

Your Committee has further amended this measure by making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 412, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 412, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Health,



DELLA AU BELATTI, Chair



