
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) Upon receipt of [~~an affidavit of a physician that the~~
11 ~~physician has examined the birth registrant and has~~
12 ~~determined the following:~~

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 the following documents:



1 (A) A written request from the birth registrant,
2 signed under penalty of unsworn falsification to
3 authorities under section 710-1063, that the
4 department issue a certificate of birth with a
5 gender designation that differs from the gender
6 designated on the birth registrant's original
7 certificate of birth;

8 (B) A notarized statement from the birth registrant's
9 licensed treating or evaluating physician stating
10 that:

11 (i) The birth registrant's gender designation
12 was entered incorrectly on the birth
13 registrant's original certificate of birth;
14 or

15 (ii) The birth registrant has undergone surgical,
16 hormonal, or other treatment appropriate for
17 that individual for the purpose of gender
18 transition and that, in the physician's
19 opinion, the birth registrant's gender
20 designation should be changed accordingly;

21 and



1 (C) If the birth registrant is requesting a name
2 change on the new certificate of birth, an
3 official copy of the legal name change document;
4 or

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

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



1 (c) For a new certificate of birth established pursuant to
2 subsection (a)(4), the department shall not require any
3 additional medical information or records."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

7

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Report Title:

Establishment; New Certificate Of Birth; Transgender

Description:

Requires the DOH to establish a new certificate of birth for a person who provides a written request that DOH issue a new certificate of birth with a gender designation that differs from the gender on the original certificate of birth, a notarized statement from a licensed treating or evaluating physician, and official copy of name change if requesting a name change on the certificate of birth.

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