
A BILL FOR AN ACT

RELATING TO CERTIFICATES OF BIRTH.

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

1 SECTION 1. Chapter 338, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§338- Certificates of birth; sex designation. Each
5 new certificate of birth issued by the State after the effective
6 date of this Act shall include a designation of the sex of the
7 person born, based on the genitalia of the person."

8 SECTION 2. Section 338-17.7, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) The department of health shall establish, in the
11 following circumstances, a new certificate of birth for a person
12 born in this State who already has a birth certificate filed
13 with the department and who is referred to below as the "birth
14 registrant":

15 (1) Upon receipt of an affidavit of paternity, a court
16 order establishing paternity, or a certificate of
17 marriage establishing the marriage of the natural



1 parents to each other, together with a request from
2 the birth registrant, or the birth registrant's parent
3 or other person having legal custody of the birth
4 registrant, that a new birth certificate be prepared
5 because previously recorded information has been
6 altered pursuant to law;

7 (2) Upon receipt of a certified copy of a final order,
8 judgment, or decree of a court of competent
9 jurisdiction that determined the nonexistence of a
10 parent and child relationship between a person
11 identified as a parent on the birth certificate on
12 file and the birth registrant;

13 (3) Upon receipt of a certified copy of a final adoption
14 decree, or of an abstract of the decree, pursuant to
15 sections 338-20 and 578-14;

16 (4) Upon receipt of an affidavit from a United States
17 licensed physician or physician assistant attesting
18 that:

19 (A) The physician or physician assistant has a bona
20 fide provider-patient relationship with the birth
21 registrant;



1 (B) The physician or physician assistant has [~~treated~~
2 ~~and evaluated~~] examined the birth registrant [~~and~~
3 ~~has reviewed and evaluated the birth registrant's~~
4 ~~medical history;~~

5 ~~(C) The birth registrant has had appropriate clinical~~
6 ~~treatment for gender transition to the new gender~~
7 ~~and has completed the transition to the new~~
8 ~~gender]; and~~

9 ~~(D)~~ (C) The [~~new gender~~] sex of the birth
10 registrant, based on the genitalia of the birth
11 registrant, does not align with the sex
12 designation on the birth registrant's birth
13 certificate; [~~or~~]

14 provided that the birth registrant is at least
15 eighteen years of age; or

16 (5) Upon request of a law enforcement agency certifying
17 that a new birth certificate showing different
18 information would provide for the safety of the birth
19 registrant; provided that the new birth certificate
20 shall contain information requested by the law
21 enforcement agency, shall be assigned a new number and



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1 filed accordingly, and shall not substitute for the
2 birth registrant's original birth certificate, which
3 shall remain in place."

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.

10

INTRODUCED BY: 
JAN 19 2023



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Report Title:

Health; Certificates of Birth; Designations of Sex; Revisions

Description:

Provides that a new certificate of birth issued by the State shall include a designation of the sex of the person born, based on the genitalia of the person. Authorizes amendments of designations of sex on certificates of birth, provided that the birth registrant is an adult, and new designation is based on the genitalia of the birth registrant, as confirmed by a physician or physician's assistant.

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