

House Engrossed

birth certificates; amendments; prohibition

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2438

AN ACT

AMENDING SECTION 36-337, ARIZONA REVISED STATUTES; RELATING TO VITAL RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-337, Arizona Revised Statutes, is amended to
3 read:

4 36-337. Amending birth certificates

5 ~~A. The state registrar shall amend the~~ IN ORDER TO PROTECT THE
6 INTEGRITY AND ACCURACY OF VITAL RECORDS, THE birth certificate for a
7 person born in this state MAY BE AMENDED ONLY IN ACCORDANCE WITH THIS
8 SECTION when the state registrar receives any of the following:

9 1. Except as provided in subsection ~~D~~ E of this section, an
10 adoption certificate or a court order for adoption required pursuant to
11 section 36-336.

12 2. A voluntary acknowledgment of paternity pursuant to section
13 25-812.

14 ~~3. For a person who has undergone a sex change operation or has a~~
15 ~~chromosomal count that establishes the sex of the person as different than~~
16 ~~in the registered birth certificate, both of the following:~~

17 ~~(a) A written request for an amended birth certificate from the~~
18 ~~person or, if the person is a child, from the child's parent or legal~~
19 ~~guardian.~~

20 ~~(b) A written statement by a physician that verifies the sex change~~
21 ~~operation or chromosomal count.~~

22 ~~4.~~ 3. A court order ordering an amendment to ~~a~~ THE NAME OF THE
23 PERSON ON A birth certificate.

24 B. The state registrar shall change the name of the father on a
25 registered birth certificate if:

26 1. The state registrar receives an administrative order or a court
27 order ordering the state registrar to change the father's name on the
28 registered birth certificate.

29 2. Paternity is established through a voluntary acknowledgement of
30 paternity pursuant to section 25-812.

31 C. THE SEX DESIGNATION OF A PERSON MAY NOT BE CHANGED ON THE
32 PERSON'S ORIGINAL BIRTH CERTIFICATE AS A RESULT OF A SEX CHANGE SURGERY.

33 ~~C.~~ D. If a registered birth certificate does not exist for a
34 person born in this state who is requesting to amend a birth certificate,
35 the person making that request shall comply with the requirements
36 established by rule.

37 ~~D.~~ E. The state registrar shall retain the information on a
38 person's registered birth certificate after the person's adoption if all
39 of the following documents are submitted to the state registrar:

40 1. A written request to retain the information signed by the
41 adoptive parent or a court order containing a request to retain the
42 information on the registered birth certificate.

43 2. A written statement agreeing to retain the mother's name on the
44 person's registered birth certificate, signed by the mother, or if the

1 mother is deceased, a certified copy of a registered death certificate for
2 the mother.

3 3. If there is a father's name stated on the registered birth
4 certificate, a written statement agreeing to retain the father's name on
5 the person's registered birth certificate, signed by the father, or if the
6 father is deceased, a certified copy of a registered death certificate for
7 the father.

8 ~~F.~~ F. If the state registrar amends a registered birth certificate
9 following adoption, the birth certificate shall state the city or county
10 of birth stated on the existing registered birth certificate and the date
11 of birth stated on the existing registered birth certificate. The state
12 registrar may omit the exact location of birth on the registered birth
13 certificate.

14 ~~F.~~ G. If a local registrar or deputy local registrar amends a
15 registered birth certificate, the local registrar or deputy local
16 registrar shall forward all evidentiary documents provided to create the
17 new birth certificate to the state registrar.

18 ~~G.~~ H. IN ADDITION TO ANY OTHER METHOD OF AMENDING BIRTH
19 CERTIFICATES PURSUANT TO THIS SECTION OR THE RULES ADOPTED PURSUANT TO
20 THIS SECTION, IF AN APPLICANT PROVIDES THE STATE REGISTRAR WITH EVIDENCE
21 THAT A REASONABLE PERSON WOULD CONCLUDE BEYOND A REASONABLE DOUBT THAT AN
22 ORIGINAL ENTRY ON A BIRTH CERTIFICATE WAS FACTUALLY INACCURATE AT THE TIME
23 OF RECORDATION, THE STATE REGISTRAR SHALL REMOVE THE MISINFORMATION AND
24 MAKE THE NECESSARY CORRECTION ON THE BIRTH CERTIFICATE. A RECORD OF THE
25 CORRECTION MAY NOT APPEAR ON THE FACE OF THE BIRTH CERTIFICATE. THE
26 BUREAU OF VITAL RECORDS SHALL MAINTAIN A RECORD OF ALL EVIDENCE SUBMITTED
27 RELATIVE TO AN AMENDMENT TO A BIRTH CERTIFICATE MADE PURSUANT TO THIS
28 SUBSECTION. If the state registrar amends a registered birth certificate,
29 the state registrar shall seal the previously registered birth certificate
30 ~~and the evidentiary documents provided to amend the registered birth~~
31 ~~certificate.~~ The state registrar shall provide access to a sealed
32 certificate or evidentiary documents only pursuant to section 36-322 or
33 36-340 or a court order issued in this state or as prescribed by rule.

34 ~~H.~~ I. If the state registrar receives a court order annulling an
35 adoption, the state registrar shall unseal the sealed registered birth
36 certificate and shall seal the new birth certificate and evidentiary
37 documents.

38 J. A JUDGE PRO TEMPORE OR COMMISSIONER MAY NOT ISSUE AN ORDER TO
39 AMEND A BIRTH CERTIFICATE PURSUANT TO SUBSECTION A, PARAGRAPH 3 OF THIS
40 SECTION.