
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;~~



1 ~~or~~] from a United States licensed physician
2 attesting that:

3 (A) The physician has a bona fide physician-patient
4 relationship with the birth registrant;

5 (B) The physician has treated and evaluated the birth
6 registrant and has reviewed and evaluated the
7 birth registrant's medical history;

8 (C) The birth registrant has had appropriate clinical
9 treatment for gender transition to the new gender
10 and has completed the transition to the new
11 gender; and

12 (D) The new gender does not align with the sex
13 designation on the birth registrant's birth
14 certificate; or

15 (5) Upon request of a law enforcement agency certifying
16 that a new birth certificate showing different
17 information would provide for the safety of the birth
18 registrant; provided that the new birth certificate
19 shall contain information requested by the law
20 enforcement agency, shall be assigned a new number and
21 filed accordingly, and shall not substitute for the



1 birth registrant's original birth certificate, which
2 shall remain in place.

3 (b) When a new certificate of birth is established under
4 this section, it shall be substituted for the original
5 certificate of birth. The new certificate shall not be marked
6 as amended and shall in no way reveal the original language
7 changed by any amendment. Thereafter, the original certificate
8 and the evidence supporting the preparation of the new
9 certificate shall be sealed and filed. [~~Such~~] The sealed
10 [document] documents shall be opened only by an order of a court
11 of record[-] or, for those documents amended pursuant to
12 subsection (a) (4), by request of the birth registrant.

13 (c) If a new certificate of birth is established under
14 subsection (a) (4), it shall reflect, or shall be reissued to
15 reflect, any legal name change made before, simultaneously, or
16 after the change in sex designation; provided appropriate
17 documentation of the name change is submitted.

18 (d) If a new certificate of birth is established under
19 subsection (a) (4), the department shall not require any
20 additional medical information or records other than those
21 required by subsection (a) (4)."



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 Statutory material to be repealed is bracketed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

3 SECTION 3. This Act shall take effect on July 1, 2015.



Report Title:

New Birth Certificate; Sex Designation

Description:

Establishes the documentation required when requesting the Department of Health to issue a new birth certificate with a sex designation change. (HB631 CD1)

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