

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 4097**

**STATE OF NEW JERSEY**

DATED: DECEMBER 12, 2013

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 4097.

This bill revises the requirements for obtaining an amended certificate of birth due to a change in sex. To obtain the amended certificate, a person would be required to submit: 1) a form provided by the State registrar of vital statistics and completed by the person's licensed health care provider which indicates that the person has undergone clinically appropriate treatment for the purpose of gender transition, based on contemporary medical standards, or that the person has an intersex condition; and 2) a certified copy of a court order indicating the person's name change, if the person has changed his or her name. The application may be submitted on the person's behalf by a parent or guardian, if the person is a minor. The State registrar is to issue the amended certificate which shows the sex and, if applicable, the name of the person as it has been changed.

Under current law, a person is required to undergo sex reassignment surgery to receive an amended birth certificate, and to submit to the State registrar a medical certificate from the person's physician indicating that his or her sex has been changed by surgical procedure. In addition, the law requires submission of a copy of a court order indicating the person's name change, while the bill provides for such submission, if there has been a name change.

Current law further requires the State registrar to place the original certificate of birth and all papers pertaining to the amended certificate of birth under seal, which is not to be broken except by order of a court of competent jurisdiction. This bill would permit the seal to be broken upon the request of the person who is the subject of the certificate of birth, or upon the request of the parent or guardian, if the person is a minor.

The bill also provides that in the case of a resident of this State who was born in another state or in a foreign jurisdiction, if such other state or foreign jurisdiction requires a court order in order to amend a certificate of birth to reflect a change in sex, a court in this State would have jurisdiction to issue such an order.

As reported, this bill is identical to Senate Bill No. 2786 (Vitale/Weinberg), which the committee also reported favorably on this date.