

[Second Reprint]

ASSEMBLY, No. 1718

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman REED GUSCIORA

District 15 (Hunterdon and Mercer)

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Assemblyman NICHOLAS CHIARAVALLOTI

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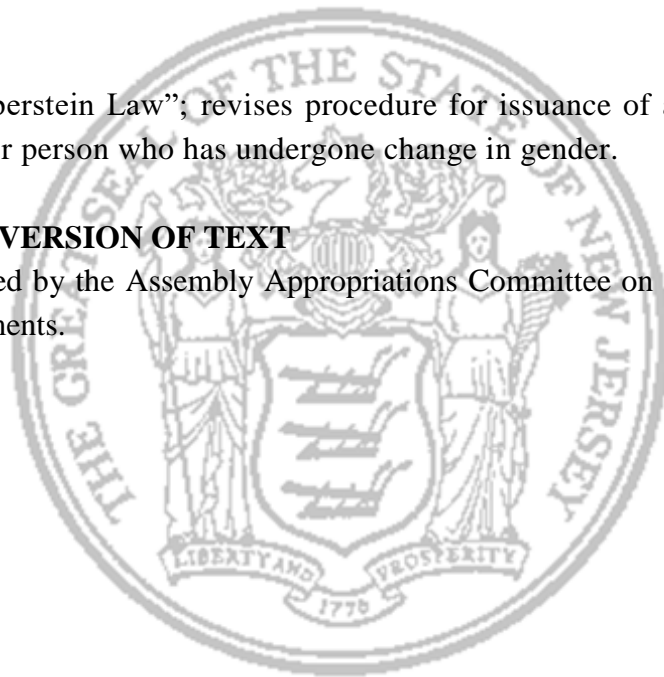
Assemblyman Eustace, Assemblywomen Jimenez, Mosquera, Jasey, Tucker, Quijano, Assemblymen Holley, Burzichelli, Assemblywomen Schepisi and McKnight

SYNOPSIS

“Babs Siperstein Law”; revises procedure for issuance of amended birth certificate for person who has undergone change in gender.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on May 17, 2018, with amendments.



(Sponsorship Updated As Of: 5/25/2018)

1 AN ACT concerning amended certificates of birth ², designated as
2 Babs Siperstein Law,² and amending P.L.1984, c.191.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1984, c.191 (C.26:8-40.12) is amended to read
8 as follows:

9 1. The State registrar shall issue an amended certificate of birth to
10 a person born in this State who **【**undergoes sex reassignment surgery
11 and**】** requests an amended certificate of birth which shows the ¹**【sex】**
12 gender¹ and, if applicable, the name of the person as it has been
13 changed. ¹**【**The application may be submitted on the person’s behalf
14 by a parent or guardian, if the person is a minor.**】**¹

15 a. The State registrar shall issue the amended certificate of birth
16 upon receipt of: (1) a certified copy of an order from a court of
17 competent jurisdiction which indicates that the name of the person has
18 been changed, if the person has changed his or her name; and (2) a
19 **【**medical certificate from**】** form provided by the State registrar and
20 completed by the ¹**【**person's licensed **【**physician**】** health care
21 provider**】** person, or the person’s guardian,¹ which ¹**【**indicates**】**¹
22 **【**the sex of the person has been changed by surgical procedure**】** ¹**【**that
23 the person has undergone clinically appropriate treatment for the
24 purpose of gender transition, based on contemporary medical
25 standards, or that the person has an intersex condition.**】** affirms the
26 following language: “I, (petitioner’s full name), hereby attest under
27 penalty of perjury that the request for a change in gender to (female,
28 male, or undesignated/non-binary) is to conform my legal gender to
29 my gender identity and is not for any fraudulent purpose.”¹

30 b. The amended certificate of birth shall be of the same general
31 type as the original certificate of birth, ¹**【**but**】** and¹ shall not be
32 marked as amended.

33 c. When an amended certificate of birth is issued, the State
34 registrar shall notify the appropriate local registrar of vital statistics
35 who shall enter the amended certificate in his local record and place
36 his copy of the original certificate under seal.

37 d. The State **【**register**】** registrar shall place the original certificate
38 of birth and all papers pertaining to the amended certificate of birth
39 under seal. The seal shall not be broken except by order of a court of
40 competent jurisdiction, or upon the request of the person who is the
41 subject of the certificate of birth, or the parent or guardian, if the
42 person is a minor.

EXPLANATION – Matter enclosed in bold-faced brackets **【**thus**】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHU committee amendments adopted March 12, 2018.

²Assembly AAP committee amendments adopted May 17, 2018.

1 Thereafter, whenever a certified copy of the certificate of birth is
2 prepared, it shall be made from the amended certificate of birth except
3 when an order of a court of competent jurisdiction requires that a
4 certified copy be made of the original certificate of birth.

5 e. In the case of a resident of this State who was born in another
6 state or in a foreign jurisdiction, if such other state or foreign
7 jurisdiction requires a court order in order to amend a certificate of
8 birth to reflect a change in ¹[sex] gender¹ , a court in this State shall
9 have jurisdiction to issue ¹[such]¹ an order ¹declaring a person's
10 gender upon receipt of a statement affirming under penalty of perjury
11 that the request for a declaration of female, male, or undesignated/non-
12 binary gender is to conform with gender identity and not for any
13 fraudulent purpose¹ .

14 **[e.] f.** The fee for issuing the amended certificate of birth is
15 \$6.00.

16 (cf: P.L.1984, c.191, s.1)

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18 2. This act shall take effect on the first day of the seventh
19 month next following the date of enactment, but the State registrar
20 may take such anticipatory administrative action in advance thereof
21 as shall be necessary for the implementation of this act.