

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 478

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: MAY 31, 2018

SUMMARY

- Synopsis:** "Babs Siperstein Law"; revises procedure for issuance of amended birth certificate for person who has undergone change in gender.
- Type of Impact:** Minimal or no impact on net State and local costs.
- Agencies Affected:** Department of Health. Local registrars of vital statistics in county and municipal governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual Impact</u>
Net State Cost	Minimal or no impact.
Net Local Cost	Minimal or no impact.

- The Office of Legislative Services (OLS) estimates that the bill would have minimal or no State or local impact, due to the likely low number of applicable cases and the impact of offsetting fees imposed by the Department of Health (DOH).

BILL DESCRIPTION

This bill, designated as "Babs Siperstein Law," revises the requirements for obtaining an amended birth certificate due to a change in sex. The bill requires that the State registrar of vital statistics in the DOH is to issue an amended certificate of birth to a person born in this State who submits a request for an amended certificate of birth showing the name and gender of the person, as it has been changed. Under current law, the State registrar is to issue an amended certificate of birth only upon receipt of a medical certificate from the person's physician indicating that the person's sex has been changed through surgical procedure (known as sex reassignment surgery). This bill would change the requirement to provide that a person need only submit a form, provided by the State registrar and completed by the person, or the person's guardian, which affirms the following language: "I, (petitioner's full name), hereby attest under penalty of perjury that the request for a change in gender to (female, male, or undesignated/non-binary) is to conform my legal gender to my gender identity and is not for any fraudulent purpose."

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 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 gender, a court in this State would have jurisdiction to issue an order declaring the person's gender upon receipt of a statement affirming under penalty of perjury that the request for a declaration of female, male, or undesignated/non-binary gender is to conform with gender identity and not for any fraudulent purpose.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the bill would have minimal or no State or local impact, due to the likely low number of applicable cases and the impact of offsetting fees imposed by the DOH.

As indicated above, the bill broadens criteria under which the State is to issue amended birth certificates. As more individuals are likely to qualify for amended birth certificates under the broadened criteria, it is possible that the number of requests for amended birth certificates would increase.

However, the OLS believes that any increase in requests for amended birth certificates is likely to be limited, given that the number of applicable individuals is likely to be relatively small. An analysis by scholars at the Williams Institute at the University of California, Los Angeles School of Law¹ estimates that there are approximately 30,100 transgender individuals residing in New Jersey. The actual number of such individuals applying for amended birth certificates in a given year, when excluding those who might not apply for various reasons or who have already received an amended birth certificate in conjunction with a change of sex by surgical procedure, is likely to be significantly lower than this total.

Moreover, pursuant to P.L.1984, c.191, the DOH is authorized to charge a \$6.00 fee when issuing amended birth certificates to individuals whose sex has been changed by surgical procedure, and the bill would continue to authorize this fee. (Available information from the Office of Vital Statistics and Registry in the DOH indicates that, in practice, a State fee of \$25.00 is currently charged to process and issue an amended birth certificate for individuals who have undergone sex reassignment surgery, and an additional State fee of \$2.00 is charged to process a legal name change, with no additional fees charged by local registrars of vital statistics for either action.) Assuming that these fees largely offset the administrative costs of processing amended birth certificates, the OLS estimates that minimal or no net increase in State costs would be realized from any increases in requests for amended birth certificates resulting from the bill.

¹ Flores, A.R.; Herman, J.L.; Gates, G.J.; and Brown, T.N.T. (2016) *How Many Adults Identify as Transgender in the United States?* Los Angeles, CA: The Williams Institute.

The OLS also estimates that net local costs incurred by county and municipal governments, as a result of local registrars processing additional amended birth certificates, are also likely to be minimal or negligible. The OLS assumes that any increase in the number of amended birth certificates would be distributed across the State's local registrars, and that relatively few amended birth certificates, as a proportion of the local population, might therefore be processed by any given local registrar. Thus, the cost for the few additional cases processed by any given registrar might be partially or fully absorbed under current activities.

Section: Human Services

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This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).