

# SENATE, No. 478

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Co-Sponsored by:**

**Senators Pou, Ruiz, Bateman, Codey and Gopal**

**SYNOPSIS**

Revises procedure for issuance of amended birth certificate for person who has undergone change in sex.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 1/23/2018)**

1 AN ACT concerning amended certificates of birth and amending  
2 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  
8 read as follows:

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

15 a. The State registrar shall issue the amended certificate of  
16 birth 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  
18 has been changed, if the person has changed his or her name; and  
19 (2) a **【**medical certificate from**】** form provided by the State registrar  
20 and completed by the person's licensed 【physician】 health care  
21 provider which indicates 【the sex of the person has been changed  
22 by surgical procedure】 that the person has undergone clinically  
23 appropriate treatment for the purpose of gender transition, based on  
24 contemporary medical standards, or that the person has an intersex  
25 condition.

26 b. The amended certificate of birth shall be of the same general  
27 type as the original certificate of birth, but shall not be marked as  
28 amended.

29 c. When an amended certificate of birth is issued, the State  
30 registrar shall notify the appropriate local registrar of vital statistics  
31 who shall enter the amended certificate in his local record and place  
32 his copy of the original certificate under seal.

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

39 Thereafter, whenever a certified copy of the certificate of birth is  
40 prepared, it shall be made from the amended certificate of birth  
41 except when an order of a court of competent jurisdiction requires  
42 that a certified copy be made of the original certificate of birth.

43 e. In the case of a resident of this State who was born in  
44 another state or in a foreign jurisdiction, if such other state or  
45 foreign jurisdiction requires a court order in order to amend a

**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.

1 certificate of birth to reflect a change in sex, a court in this State  
2 shall have jurisdiction to issue such an order.

3 **[e.] f.** The fee for issuing the amended certificate of birth is  
4 \$6.00.

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

6  
7 2. This act shall take effect on the first day of the seventh  
8 month next following the date of enactment, but the State registrar  
9 may take such anticipatory administrative action in advance thereof  
10 as shall be necessary for the implementation of this act.

11

12 STATEMENT

13

14 This bill revises the requirements for obtaining an amended  
15 certificate of birth due to a change in sex. The bill provides that the  
16 State registrar of vital statistics shall issue an amended certificate of  
17 birth to a person born in this State who submits a request for an  
18 amended certificate of birth which shows the sex and name of the  
19 person as it has been changed. The application may be submitted  
20 on the person's behalf by a parent or guardian, if the person is a  
21 minor. Under current law, a person must undergo sex reassignment  
22 surgery to receive an amended birth certificate.

23 Under current law, the State registrar is to issue an amended  
24 certificate of birth upon receipt of a medical certificate from the  
25 person's physician indicating that his or her sex has been changed  
26 by surgical procedure. This bill would change the requirement to  
27 provide that a person could submit a form provided by the State  
28 registrar and completed by the person's licensed health care  
29 provider which indicates that the person has undergone clinically  
30 appropriate treatment for the purpose of gender transition, based on  
31 contemporary medical standards, or that the person has an intersex  
32 condition.

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

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

45 The purpose of the bill is to acknowledge that individuals do not  
46 necessarily undergo sex reassignment surgery when changing sex,  
47 and to revise the process for obtaining an amended certificate of  
48 birth due to a change in sex to reflect current practices.