

[Second Reprint]
SENATE, No. 478

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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Assemblywomen Jimenez, Mosquera, Jasey, Tucker, Quijano,
Assemblymen Holley, Burzichelli, Assemblywomen Schepisi, McKnight
and Senator Diegnan**

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: 6/8/2018)

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
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 ¹**[sex] gender**¹ and, if applicable, the name of the person as it
13 has been changed. ¹**[The application may be submitted on the**
14 **person's behalf by a parent or guardian, if the person is a minor.]**¹

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

31 b. The amended certificate of birth shall be of the same general
32 type as the original certificate of birth, ¹**[but] and**¹ shall not be
33 marked as amended.

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

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

¹Senate SHH committee amendments adopted January 22, 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
3 except when an order of a court of competent jurisdiction requires
4 that a 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
6 another state or in a foreign jurisdiction, if such other state or
7 foreign jurisdiction requires a court order in order to amend a
8 certificate of birth to reflect a change in ¹[sex] gender¹, a court in
9 this State shall have jurisdiction to issue ¹[such]¹ an order
10 ¹declaring a person's gender upon receipt of a statement affirming
11 under penalty of perjury that the request for a declaration of female,
12 male, or undesignated/non-binary gender is to conform with gender
13 identity and not for any 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)

17

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.