

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 478

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 22, 2018

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 478.

As amended by the committee, this bill acknowledges that individuals do not necessarily undergo sex reassignment surgery when changing gender, and it revises the process for obtaining an amended certificate of birth due to a change in gender, in order to reflect current gender transition practices.

The bill provides that the State registrar of vital statistics 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 gender 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.

The committee amended the bill to:

- eliminate references to a person's "sex" and replace with references to a person's "gender";
- remove the provision stating that an application may be submitted by a parent or guardian, if the applicant is a minor, because it is implicit that a parent or guardian may act on behalf of a minor;
- eliminate the provisions that would have authorized the issuance of an amended certificate of birth only when a health care provider submits a medical certificate indicating that the sex of the person has been changed by surgical procedure; and insert new provisions specifying that an amended certificate of birth may be issued upon receipt of a form 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";
- clarify that a court of this State will have jurisdiction, in the case of a resident who was born in another state or foreign jurisdiction, to issue an order declaring the person's gender upon receipt of a statement that affirms 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;
- revise the bill synopsis to reflect a change in language from "sex" to "gender"; and
- make a minor grammatical correction.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.