

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 478

STATE OF NEW JERSEY

DATED: FEBRUARY 5, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 478 (1R).

This bill revises the process for obtaining an amended certificate of birth due to a person's change in gender.

The bill provides that the State registrar of vital statistics is required to issue an amended certificate of birth to a person born in this State who submits a request for an amended certificate of birth. In contrast, 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. This bill changes the law to provide that a person need only complete and submit a form, provided by the State registrar, which affirms under penalty of perjury that the request for a change in gender—to female, male, or undesignated/non-binary—is made for the purpose of conforming with that person's gender identity and is not for any fraudulent purpose. The amended birth certificate is of the same general type as the original, without indication that the birth certificate has been amended.

Upon such a request, the State registrar is to place the original certificate of birth and all papers pertaining to the amended certificate of birth under seal. The seal may be broken upon court order or the request of the person who is the subject of the certificate of birth, or, if the person is a minor, a parent or guardian.

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 to amend a certificate of birth to reflect a change in gender, a court in this State has 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 made for the purpose of conforming with gender identity and not for any fraudulent purpose.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill will have indeterminate State and local fiscal impact. Due to the likely low number of applicable cases, the revenue and cost increases will occur in small amounts.

A 2016 report released by the Williams Institute at the University of California, Los Angeles School of Law estimates that approximately 30,100 transgender persons reside in the State. The actual number of such persons applying for amended birth certificates in a given year is likely to be a small percentage of this total, considering that some persons may not apply for various reasons and others have already received an amended birth certificate.

Current law provides that the Department of Health is authorized to charge a fee when issuing an amended birth certificate to a person whose gender has been changed by surgical procedure. The OLS is uncertain whether these fees largely offset the administrative costs of processing amended birth certificates, due to the lack of information on such revenues and the average and marginal costs of issuing amended birth certificates.

The amount of local costs that will be incurred by county and municipal governments as a result of registrars processing additional amended birth certificates is likewise indeterminate. Given that any increase in the number of amended birth certificates is likely to be distributed across local registrars, and relatively few amended birth certificates will be required to be processed by any given local registrar, the cost for the few additional cases per registrar may not result in any marginal costs.