

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 478

STATE OF NEW JERSEY

DATED: MARCH 12, 2018

The Assembly Human Services Committee reports favorably Senate Bill No. 478 (1R).

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 gender, and, if applicable, the name 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.

As reported by the committee, this bill is identical to Assembly Bill No. 1718 (1R) (Eustace/Gusciora/Zwicker/Chiaravalloti), which the committee also reported on this date.