
A BILL FOR AN ACT

RELATING TO BIRTH CERTIFICATES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 338-17.7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§338-17.7 Establishment of new certificates of birth,**

4 **when.** (a) The department of health shall establish, in the
5 following circumstances, a new certificate of birth for a person
6 born in this State who already has a birth certificate filed
7 with the department and who is referred to below as the "birth
8 registrant":

9 (1) Upon receipt of an affidavit of paternity, a court
10 order establishing paternity, or a certificate of
11 marriage establishing the marriage of the natural
12 parents to each other, together with a request from
13 the birth registrant, or the birth registrant's parent
14 or other person having legal custody of the birth
15 registrant, that a new birth certificate be prepared
16 because previously recorded information has been
17 altered pursuant to law;



- 1 (2) Upon receipt of a certified copy of a final order,
2 judgment, or decree of a court of competent
3 jurisdiction that determined the nonexistence of a
4 parent and child relationship between a person
5 identified as a parent on the birth certificate on
6 file and the birth registrant;
- 7 (3) Upon receipt of a certified copy of a final adoption
8 decree, or of an abstract of the decree, pursuant to
9 sections 338-20 and 578-14;
- 10 (4) (A) Upon receipt of an affidavit of a person's
11 Hawaii-licensed personal physician, or a
12 physician licensed in the United States who
13 specializes in gender identity or gender
14 reassignment, that the physician has examined the
15 birth registrant and has determined the
16 following:
- 17 ~~[(A)]~~ (i) The birth registrant's sex designation was
18 entered incorrectly on the birth registrant's
19 birth certificate; or
- 20 ~~[(B)]~~ (ii) The birth registrant has had a sex change
21 operation and the sex designation on the birth
22 registrant's birth certificate is no longer



1 correct; provided that the director of health may
2 [~~further investigate and~~] require additional
3 information that the director deems necessary[+]
4 to verify the affidavit; or

5 (B) Upon receipt of a certified copy of a Hawaii
6 court order directing the department to change
7 the birth registrant's gender designation. The
8 court order shall establish that there is medical
9 evidence from the person's Hawaii-licensed
10 personal physician, or a physician licensed in
11 the United States who specializes in gender
12 identity or gender reassignment, containing
13 support for a finding that the birth registrant
14 has undergone hormonal or other treatment
15 appropriate for that individual for the purpose
16 of gender transition, and that in the physician's
17 opinion, the birth registrant's gender
18 designation should be changed accordingly; and

19 (C) If the birth registrant is requesting a name
20 change on the new certificate, an official copy
21 of the legal name change document; or

1 (5) Upon request of a law enforcement agency certifying
2 that a new birth certificate showing different
3 information would provide for the safety of the birth
4 registrant; provided that the new birth certificate
5 shall contain information requested by the law
6 enforcement agency, shall be assigned a new number and
7 filed accordingly, and shall not substitute for the
8 birth registrant's original birth certificate, which
9 shall remain in place.

10 (b) When a new certificate of birth is established under
11 this section, it shall be substituted for the original
12 certificate of birth. The new certificate shall not be marked
13 as having been amended and shall in no way reveal the original
14 information changed by the amendment. Thereafter, the original
15 certificate and the evidence supporting the preparation of the
16 new certificate shall be sealed and filed. [~~Such sealed~~
17 ~~document~~] The sealed documents shall be opened only by an order
18 of a court of record.

19 (c) For a new certificate of birth established pursuant to
20 subsection (a)(4)(B), the department shall not require any
21 additional medical information or records."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

New Birth Certificates; Transgender

Description:

Requires the department of health to establish new birth certificates for persons whose gender differs from the gender designation on the person's original birth certificate, under certain conditions. Effective July 1, 2050. (SD2)

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