

STAND. COM. REP. NO.

1524

Honolulu, Hawaii

APR 10 2015

RE: H.B. No. 631  
H.D. 2  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 631, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CERTIFICATES OF BIRTH,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the documentation required when requesting the Department of Health to issue a new birth certificate with a sex designation change by requiring an affidavit from a licensed medical provider or license mental health provider attesting that the current birth certificate record does not align with the birth registrant's gender identity and that in the provider's professional opinion, the birth registrant's sex designation should be changed accordingly.

Your Committee received testimony in support of this measure from the Hawaii Civil Rights Commission, American Civil Liberties Union of Hawaii, Human Rights Campaign, Pride At Work Hawaii, Gay Lesbian and Transgender Caucus of the Democratic Party of Hawaii, Equality Hawaii, Democratic Party of Hawaii, Community Alliance on Prisons, and twenty-one individuals. Your Committee received testimony in opposition to this measure from the Hawaii Family Forum, Hawaii Catholic Conference, and four individuals. Your Committee received comments on this measure from the Department of the Attorney General.



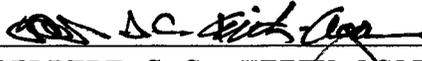
Your Committee finds that the majority of transgender individuals do not choose to undergo sex reassignment surgeries for various reasons, including prohibitive costs and other medical and personal reasons. Thus, the current statutory reference to a sex change operation is outdated. This measure would make it easier for transgender individuals to request a new birth certificate, allowing them to more readily amend their legal documents, including driver's license and other forms of identification.

Your Committee has amended this measure by:

- (1) Inserting language that requires a copy of an order from the Circuit Court granting a petition for a new birth certificate to be submitted to the Department of Health with the affidavit from a licensed medical provider or licensed mental health provider;
- (2) Requiring the Supreme Court of Hawaii to adopt rules and forms as necessary to implement this measure; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 631, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 631, H.D. 2, S.D. 1.

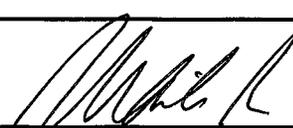
Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB631 HD2	HTH, JDL	4/6/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike		✓		
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
SLOM, Sam				✓
<b>TOTAL</b>	5	1	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes