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# A BILL FOR AN ACT

RELATING TO CERTIFICATES OF BIRTH.

**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) Upon receipt of an affidavit ~~[of a physician that the~~  
11 ~~physician has examined the birth registrant and has~~  
12 ~~determined the following:~~
- 13 ~~(A) The birth registrant's sex designation was~~  
14 ~~entered incorrectly on the birth registrant's~~  
15 ~~birth certificate, or~~
- 16 ~~(B) The birth registrant has had a sex change~~  
17 ~~operation and the sex designation on the birth~~  
18 ~~registrant's birth certificate is no longer~~  
19 ~~correct; provided that the director of health may~~  
20 ~~further investigate and require additional~~  
21 ~~information that the director deems necessary;~~



- 1           ~~or~~] from a United States licensed physician  
2           attesting that:
- 3           (A) The physician has a bona fide physician-patient  
4           relationship with the birth registrant;
- 5           (B) The physician has treated and evaluated the birth  
6           registrant and has reviewed and evaluated the  
7           birth registrant's medical history;
- 8           (C) The birth registrant has had appropriate clinical  
9           treatment for gender transition to the new gender  
10           and has completed the transition to the new  
11           gender; and
- 12           (D) The new gender does not align with the sex  
13           designation on the birth registrant's birth  
14           certificate; or
- 15           (5) Upon request of a law enforcement agency certifying  
16           that a new birth certificate showing different  
17           information would provide for the safety of the birth  
18           registrant; provided that the new birth certificate  
19           shall contain information requested by the law  
20           enforcement agency, shall be assigned a new number and  
21           filed accordingly, and shall not substitute for the



1 birth registrant's original birth certificate, which  
2 shall remain in place.

3 (b) When a new certificate of birth is established under  
4 this section, it shall be substituted for the original  
5 certificate of birth. The new certificate shall not be marked  
6 as amended and shall in no way reveal the original language  
7 changed by any amendment. Thereafter, the original certificate  
8 and the evidence supporting the preparation of the new  
9 certificate shall be sealed and filed. [~~Such~~] The sealed  
10 [~~document~~] documents shall be opened only by an order of a court  
11 of record[-] or, for those documents amended pursuant to  
12 subsection (a) (4), by request of the birth registrant.

13 (c) If a new certificate of birth is established under  
14 subsection (a) (4), it shall reflect, or shall be reissued to  
15 reflect, any legal name change made before, simultaneously, or  
16 after the change in sex designation; provided appropriate  
17 documentation of the name change is submitted.

18 (d) If a new certificate of birth is established under  
19 subsection (a) (4), the department shall not require any  
20 additional medical information or records other than those  
21 required by subsection (a) (4)."



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, 2015.



**Report Title:**

New Birth Certificate; Sex Designation

**Description:**

Establishes the documentation required when requesting the Department of Health to issue a new birth certificate with a sex designation change. (HB631 CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

