

Honolulu, Hawaii

April 30, 2015

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

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

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

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 631, H.D. 2, S.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to amend the requirements for the issuance of a new birth certificate to accurately reflect an individual's gender identity and, if applicable, name change, following a gender transition by:

- (1) Deleting requirements that an individual complete a sex change operation as a prerequisite for amending the sex designation on a birth certificate;
- (2) Requiring, instead, an affidavit from a licensed medical or mental health provider attesting that the current sex designation on the birth certificate does not align with



the individual's gender identity and a court order pursuant to Hawaii Supreme Court rules granting the individual's petition for an amended birth certificate;

- (3) Providing for confidentiality of the original birth certificate and the record of its amendment;
- (4) Providing for amendments to the birth certificate to reflect a legal name change associated with the gender transition; and
- (5) Prohibiting the Department of Health from requiring documentation or medical records beyond the affidavit and order specified.

Upon consideration, your Committee on Conference has amended this measure by:

- (1) Amending the affidavit requirements to specify that the affiant shall be a licensed physician with a bona fide physician-patient relationship with the birth registrant;
- (2) Specifying that the affidavit shall state that the physician has reviewed the birth registrant's medical records and determined that the birth registrant has received appropriate clinical treatment resulting in a completed gender transition so that the sex designation on the birth registrant's current birth certificate is not aligned with the registrant's actual gender;
- (3) Deleting the requirements for a petition and court order authorizing the issuance of a new birth certificate;
- (4) Changing its effective date to July 1, 2015; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

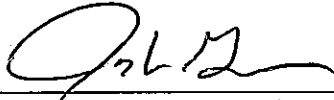
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 631, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached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



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



JOSH GREEN, Chair



DELLA AU BELATTI, Co-Chair



GILBERT S.C. KEITH-AGARAN,
Co-Chair



KARL RHOADS, Co-Chair



