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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:**

SECTION 1. Chapter 338, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

**"§338- Certificates of birth; sex designation.** Each new certificate of birth issued by the State after the effective date of this Act shall include a designation of the sex of the person born, based on the genitalia of the person."

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

**"§338-17.7 Establishment of new certificates of birth, when.** (a) The department of health shall establish, in the following circumstances, a new certificate of birth for a person born in this State who already has a birth certificate filed with the department and who is referred to below as the "birth registrant":

(1) Upon receipt of an affidavit of paternity, a court order establishing paternity, or a certificate of



1 marriage establishing the marriage of the natural  
2 parents to each other, together with a request from  
3 the birth registrant, or the birth registrant's parent  
4 or other person having legal custody of the birth  
5 registrant, that a new birth certificate be prepared  
6 because previously recorded information has been  
7 altered pursuant to law;

8 (2) Upon receipt of a certified copy of a final order,  
9 judgment, or decree of a court of competent  
10 jurisdiction that determined the nonexistence of a  
11 parent and child relationship between a person  
12 identified as a parent on the birth certificate on  
13 file and the birth registrant;

14 (3) Upon receipt of a certified copy of a final adoption  
15 decree, or of an abstract of the decree, pursuant to  
16 sections 338-20 and 578-14;

17 (4) Upon receipt of an affidavit from a United States  
18 licensed physician or physician assistant attesting  
19 that:



1 (A) The physician or physician assistant has a bona  
2 fide provider-patient relationship with the birth  
3 registrant;

4 (B) The physician or physician assistant has [~~treated~~  
5 ~~and evaluated~~] examined the birth registrant [~~and~~  
6 ~~has reviewed and evaluated the birth registrant's~~  
7 ~~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)~~] (C) The [~~new gender~~] sex of the birth registrant,  
13 based on the genitalia of the birth registrant,  
14 does not align with the sex designation on the  
15 birth registrant's birth certificate; [~~or~~]  
16 provided that the birth registrant is at least  
17 eighteen years of age; or

18 (5) Upon request of a law enforcement agency certifying  
19 that a new birth certificate showing different  
20 information would provide for the safety of the birth  
21 registrant; provided that the new birth certificate



1 shall contain information requested by the law  
2 enforcement agency, shall be assigned a new number and  
3 filed accordingly, and shall not substitute for the  
4 birth registrant's original birth certificate, which  
5 shall remain in place.

6 (b) When a new certificate of birth is established under  
7 this section, it shall be substituted for the original  
8 certificate of birth. For all certificates except those amended  
9 pursuant to subsection (a) (4), [F]the new certificate shall not  
10 be marked as amended and shall in no way reveal the original  
11 language changed by any amendment. Thereafter, the original  
12 certificate and the evidence supporting the preparation of the  
13 new certificate shall be sealed and filed in a medical archive.  
14 The sealed documents shall be opened only by an order of a court  
15 of record~~[or, for those documents amended pursuant to~~  
16 ~~subsection (a) (4), by request of the birth registrant]~~.  
17 Provided that, for those documents amended pursuant to  
18 subsection (a) (4), the original certificate shall be unsealed  
19 and the new certificate marked as amended with regard to sex  
20 designation.



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

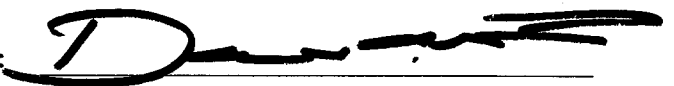
6 (d) If a new certificate of birth is established under  
7 subsection (a)(4), the department shall not require any  
8 additional medical information or records other than those  
9 required by subsection (a)(4). "

10 SECTION 3. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13 SECTION 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.

16  
INTRODUCED BY:



JAN 16 2025



**Report Title:**

Health; Certificates of Birth; Designations of Sex; Revisions

**Description:**

Provides that a new certificate of birth issued by the State shall include a designation of the sex of the person born, based on the genitalia of the person. Authorizes amendments of designations of sex on certificates of birth, provided that the birth registrant is an adult, and a new designation is based on the genitalia of the birth registrant, as confirmed by a physician or physician's assistant. Requires certain original certificates to be unsealed and new certificates to be marked as amended with regard to sex designation.

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

