JAN 17 2025

A BILL FOR AN ACT

RELATING TO VITAL STATISTICS.

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

1 SECTION 1. The legislature finds that in 2019, it passed 2 H.B. No. 1165, which the governor signed into law as Act 148, 3 Session Laws of Hawaii 2019. This law expanded gender markers for Hawai'i's driver's licenses and state identification cards. 4 5 The legislature further acknowledges that on July 1, 2020, that law went into effect smoothly. In other states, such as 6 7 Washington, the third gender marker has also been instated for 8 other official documents, such as birth certificates. This 9 ensures that an individual's gender markers match on the individual's driver's license, state identification card, and 10 11 other official documents.

12 The purpose of this Act is to add the third gender marker13 "X" as a third gender option on birth certificates.

14 SECTION 2. Section 338-17.7, Hawaii Revised Statutes, is 15 amended by amending subsection (a) to read as follows:

16 "(a) The department of health shall establish, in the17 following circumstances, a new certificate of birth for a person

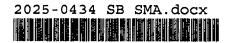


1 born in this State who already has a birth certificate filed
2 with the department and who is referred to below as the "birth
3 registrant":

4 (1)Upon receipt of an affidavit of paternity, a court 5 order establishing paternity, or a certificate of 6 marriage establishing the marriage of the natural 7 parents to each other, together with a request from 8 the birth registrant, or the birth registrant's parent 9 or other person having legal custody of the birth 10 registrant, that a new birth certificate be prepared 11 because previously recorded information has been 12 altered pursuant to law;

13 (2) Upon receipt of a certified copy of a final order,
14 judgment, or decree of a court of competent
15 jurisdiction that determined the nonexistence of a
16 parent and child relationship between a person
17 identified as a parent on the birth certificate on
18 file and the birth registrant;

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

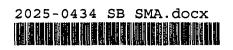


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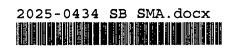
1	(4)	Upon	receipt of an affidavit [from a United States		
2		licensed physician or physician assistant attesting			
3		that:			
4		(A)	The physician or physician assistant has a bona		
5			fide provider-patient relationship with the birth		
6			registrant;		
7		(B)	The physician or physician assistant has treated		
8			and evaluated the birth registrant and has		
9			reviewed and evaluated the birth registrant's		
10			medical history;		
11		(C)	The birth registrant has had appropriate clinical		
12			treatment for gender transition to the new gender		
13			and has completed the transition to the new		
14			gender; and		
15		(D)	The new gender does not align with the sex		
16			designation on the birth registrant's birth		
17			certificate;]		
18		for a	change in sex designation on a person's own		
19		birth certificate by an adult, or for a change in sex			
20		designation of a minor's birth certificate by a			
21		minor's parent or legal guardian; provided that:			



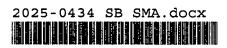
1	<u>(A)</u> <u>C</u>	nly an adult may apply for a change in sex
2	<u>d</u>	esignation on a certificate for oneself;
3	<u>(B)</u> O	nly the parent or legal guardian of a minor may
4	<u>a</u>	pply for a change of sex designation on the
5	m	inor's birth certificate;
6	<u>(C)</u> <u>T</u>	o change sex designation on a birth certificate,
7	<u>a</u>	n adult, or parent or legal guardian of a minor,
8	<u>s</u>	hall submit to the department a completed,
9	<u>s</u>	igned, and dated application provided by the
10	s	tate registrar that includes, at a minimum, the
11	f	ollowing information for the person named on the
12	<u>d</u>	irth certificate:
13	<u>(</u>	i) Full name listed on the birth certificate;
14	<u>(i</u>	i) Date of birth;
15	<u>(ii</u>	i) Place of birth;
16	<u>(i</u>	v) Both parents' full names as listed on the
17		birth certificate;
18	<u>(</u>	v) Contact information; and
19	<u>(v</u>	i) Sex designation requested (male, female, or
20		<u>X);</u>



1	(D)	If an adult, or parent or legal guardian, cannot
2		provide the information in subparagraph (C), the
3		adult, or parent or legal guardian, shall submit
4		a written explanation of the circumstances to the
5		state registrar. The department may change the
6		sex designation on the birth certificate if, in
7		the state registrar's judgment, the circumstances
8		prevent the adult, or parent or legal guardian,
9		from knowing one or more of the required items;
10	<u>(E)</u>	The sex designation change application of an
11		adult shall be notarized and signed under penalty
12		of perjury;
13	<u>(F)</u>	The sex designation change application of a minor
14		shall include a signed statement by a licensed
15		health care provider whose scope of practice
16		allows for attestation of a sex designation
17		change attesting that:
18		(i) The minor identified on the application is
19		under the care of the provider; and
20		(ii) The provider has determined the request to
21		change sex designation on the birth



1			contificate is consistent with the minorly
1			certificate is consistent with the minor's
2			identity; and
3		(G) For	the purpose of this paragraph:
4			"Adult" means a person who is at least
5		eigh	teen years of age or older, or is an
6		eman	cipated minor under chapter 577-25; and
7			"X" means a third non-binary gender option;
8		or	
9	(5)	Upon reque	est of a law enforcement agency certifying
10		that a new	w birth certificate showing different
11		informatio	on would provide for the safety of the birth
12		registrant	; provided that the new birth certificate
13		shall cont	cain information requested by the law
14		enforcemen	nt agency, [shall] be assigned a new number
15		and filed	accordingly, and [shall] not substitute for
16		the birth	registrant's original birth certificate,
17		which shal	ll remain in place."
18	SECT:	ION 3. The	e department of health shall create and make
19	available	the necess	sary forms for the application for the
20	establish	ment of a r	new certificate of birth for all categories
21	listed in	section 33	88-17.7, Hawaii Revised Statutes.



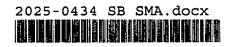
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SECTION 4. Statutory material to be repealed is bracketed
 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2025;

4 provided that section 2 shall take effect on January 1, 2026.

12al Rhad INTRODUCED BY:



S.B. NO. 8/2

Report Title: Vital Statistics; Birth Certificate; Gender Marker

Description:

Beginning 1/1/2026, allows a qualified applicant to change their sex designation on their birth certificate. Establishes information required for an applicant to change their sex designation on their birth certificate. Requires the Department of Health to create and make available necessary forms.

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