

JAN 17 2025

A BILL FOR AN ACT

RELATING TO BIRTH CERTIFICATES.

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

1 SECTION 1. Section 338-17.7, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The department of health shall establish, in the
4 following circumstances, a new certificate of birth for a person
5 born in this State who already has a birth certificate filed
6 with the department and who is referred to below as the "birth
7 registrant":

8 (1) Upon receipt of an affidavit of paternity, a court
9 order establishing paternity, or a certificate of
10 marriage establishing the marriage of the natural
11 parents to each other, together with a request from
12 the birth registrant, or the birth registrant's parent
13 or other person having legal custody of the birth
14 registrant, that a new birth certificate be prepared
15 because previously recorded information has been
16 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 from a United States
11 licensed physician ~~[or]~~, physician assistant, or
12 advanced practice registered nurse attesting that:

13 (A) The physician ~~[or]~~, physician assistant, or
14 advanced practice registered nurse has a bona
15 fide provider-patient relationship with the birth
16 registrant;

17 (B) The physician ~~[or]~~, physician assistant, or
18 advanced practice registered nurse has treated
19 and evaluated the birth registrant and has
20 reviewed and evaluated the birth registrant's
21 medical history;



(C) The birth registrant has had appropriate clinical treatment for gender transition to the new gender and has completed the transition to the new gender; and

(D) The new gender does not align with the sex designation on the birth registrant's birth certificate; or

(5) Upon request of a law enforcement agency certifying that a new birth certificate showing different information would provide for the safety of the birth registrant; provided that the new birth certificate shall contain information requested by the law enforcement agency, shall be assigned a new number and filed accordingly, and shall not substitute for the birth registrant's original birth certificate, which shall remain in place."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.



S.B. NO. 947

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INTRODUCED BY:

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S.B. NO. 947

Report Title:

Birth Certificates; Vital Statistics; Birth Registrants;
Advanced Practice Registered Nurses

Description:

Expands the types of health care providers who can submit an affidavit for a new certificate of birth for certain birth registrants.

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