

A Bill for an Act Relating to Certificates of Birth.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. 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 marriage establishing the marriage of the natural parents to each other, together with a request from the birth registrant, or the birth registrant’s parent or other person having legal custody of the birth registrant, that a new birth certificate be prepared because previously recorded information has been altered pursuant to law;
- (2) Upon receipt of a certified copy of a final order, judgment, or decree of a court of competent jurisdiction that determined the nonexistence of a parent and child relationship between a person identified as a parent on the birth certificate on file and the birth registrant;
- (3) Upon receipt of a certified copy of a final adoption decree, or of an abstract of the decree, pursuant to sections 338-20 and 578-14;
- (4) Upon receipt of an affidavit ~~[of a physician that the physician has examined the birth registrant and has determined the following:~~
 - ~~(A) The birth registrant’s sex designation was entered incorrectly on the birth registrant’s birth certificate; or~~
 - ~~(B) The birth registrant has had a sex change operation and the sex designation on the birth registrant’s birth certificate is no longer correct; provided that the director of health may further investigate and require additional information that the director deems necessary; or]~~ from a United States licensed physician attesting that:
 - (A) The physician has a bona fide physician-patient relationship with the birth registrant;
 - (B) The physician has treated and evaluated the birth registrant and has reviewed and evaluated the birth registrant’s 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.

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

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

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

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

SECTION 3. This Act shall take effect on July 1, 2015.

(Approved July 13, 2015.)