

26: 8-40.12

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26: 8-40.12

(Sex change operation-birth certificate-amend)

LAWS OF: 1984

CHAPTER: 191

Bill No: S1386

Sponsor(s): Ewing

Date Introduced: February 27, 1984

Committee: Assembly: Corrections, Health and Human Services

Senate: Institutions, Health and Welfare

Amended during passage:

Yes

Amendments during passage denoted by asterisks

Date of Passage:

Assembly: October 22, 1984

Senate: July 30, 1984

Date of Approval: November 19, 1984

Following statements are attached if available:

Sponsor statement:

Yes

Committee statement:

Assembly

Yes

Senate

Yes

Fiscal Note:

No

Veto Message:

No

Message on Signing:

No

Following were printed:

Reports:

No

Hearings:

No

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11-19-84

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SENATE, No. 1386

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 27, 1984

By Senator EWING

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning amended certificates of birth and supplementing chapter 8 of Title 26 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The State registrar shall issue an amended certificate of birth
2 to a person born in this State who undergoes sex reassignment
3 surgery and requests an amended certificate of birth which shows
4 the sex and name of the person as it has been changed.

5 a. The State registrar shall issue the amended certificate of birth
6 upon receipt of **(1)** a certified copy of an order from a court of
7 competent jurisdiction which indicates the ***[sex of a person has**
8 **been changed by surgical procedure and the]*** name of the person
9 has been changed **and (2) a medical certificate from the person's*
9A *licensed physician which indicates the sex of the person has been*
9B *changed by surgical procedure*.*

10 b. The amended certificate of birth shall be of the same general
11 type as the original certificate of birth ***[except that the certificate**
12 **shall state that facts on the original certificate of birth were**
13 **amended by court order, the date of the court order, the date the**
14 **amended certificate is issued and the name of the person who**
15 **issued the amended certificate]*.**

16 c. When an amended certificate of birth is issued, the State
17 registrar shall notify the appropriate local registrar of vital sta-
18 tistics who shall enter the amended certificate in his local record
19 and place his copy of the original certificate under seal.

20 d. The State registrar shall place the original certificate of birth

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted May 17, 1984.**

21 and all papers pertaining to the amended certificate of birth under
22 seal. The seal shall not be broken except by order of a court of
23 competent jurisdiction.

24 Thereafter, whenever a certified copy of the certificate of birth
25 is prepared, it shall be made from the amended certificate of birth
26 except when an order of a court of competent jurisdiction requires
27 that a certified copy be made of the original certificate of birth.

28 e. The fee for issuing the amended certificate of birth is \$6.00.

1 2. This act shall take effect immediately **and shall apply to any*
2 *person who has undergone sex reassignment surgery prior to or*
3 *after the effective date of this act*.*

24 Thereafter, whenever a certified copy of the certificate of birth
 25 is prepared, it shall be made from the amended certificate of birth
 26 except when an order of a court of competent jurisdiction requires
 27 that a certified copy be made of the original certificate of birth.

28 e. The fee for issuing the amended certificate of birth is \$6.00.

1 2. This act shall take effect immediately.

STATEMENT

This bill authorizes the State registrar of vital statistics to issue an amended certificate of birth upon request of a person who has undergone sex reassignment surgery.

Many states currently issue new or amended birth certificates to persons who undergo sex reassignment surgery. Also, the federal "Model State Vital Statistics Act," 1977 revision, approved by the United States Public Health Service recognizes the practice of issuing an amended certificate of birth for these persons. However, in New Jersey this practice is not permitted under the provisions of R. S. 26:8-54 which requires that when changes are made to certificates of birth the certificate shall show both the information as originally given and the corrected information. The result of this requirement is that under the heading "sex" the certificate may read "female, corrected from male."

The provisions in this bill for issuing an amended certificate of birth are similar to those pertaining to the issuing of a new certificate of birth for a child who is adopted. The bill provides that the amended certificate shall be issued upon receipt of a court order which indicates that the sex and name of a person has been changed. The amended certificate shall state the name and sex of the person as provided in the court order and shall state that the facts of the original certificate of birth have been changed by court order. The bill provides that the original certificate of birth be placed under seal.

51386 (1984)

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 1386

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 17, 1984

As amended by committee, this bill authorizes the State registrar of vital statistics to issue an amended certificate of birth upon request of a person who has undergone sex reassignment surgery.

Presently in New Jersey, the practice of issuing a new or amended birth certificate to persons who undergo sex reassignment surgery is not permitted under the provisions of R. S. 26:8-54. This law requires that when changes are made to certificates of birth the certificate shall show both the information as originally given and the corrected information. The result of this requirement is that under the heading "sex" the certificate may read "female, corrected from male."

The provisions in this bill for issuing an amended certificate of birth are similar to those pertaining to the issuing of a new certificate of birth for a child who is adopted. The bill provides that the amended certificate shall be issued upon receipt of (1) a court order which indicates that the name of a person has been changed and (2) a medical certificate from the person's physician indicating the sex of the person has been changed by surgical procedure. The amended certificate shall state the name and sex of the person as provided in the court order and medical certificate and shall be of the same general type as the original certificate of birth. Finally, the bill provides that the original certificate of birth be placed under seal.

The committee adopted various amendments to clarify the sponsor's intent. The amendments deleted the requirement that the court order state the sex of the person has been changed, as well as the name, because this information may not be available to the court when the person's name is changed. Also, the amendments delete the requirement that the amended birth certificate state that the facts on the certificate were changed by court order and instead, provide that the amended birth certificate shall be of the same general type as the original certificate. This amendment was proposed by the Department of Health. The amendments also clarify that the provisions in this act shall apply to persons who underwent the surgery prior to or after the effective date of this act.

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ASSEMBLY CORRECTIONS, HEALTH AND
HUMAN SERVICES COMMITTEE

STATEMENT TO
SENATE, No. 1386

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STATE OF NEW JERSEY

DATED: SEPTEMBER 20, 1984

This bill authorizes the State registrar of vital statistics to issue an amended certificate of birth upon the request of a person who has undergone sex reassignment surgery.

Existing law does not permit the issuance of a new or amended birth certificate to persons who undergo sex reassignment surgery. R. S. 26:8-54 requires that when changes are made to certificates of birth, the certificate shall show both the information as originally given and the corrected information. As a result of this requirement, the certificate may read "female, corrected from male" under the heading of "sex."

The bill contains provisions for issuing an amended certificate of birth which are similar to those pertaining to the issuance of a new certificate of birth for an adopted child. The bill provides that an amended certificate shall be issued upon receipt of a court order which indicates that the name of a person has been changed and a medical certificate from the person's physician indicating that the person has undergone sex reassignment surgery. The bill requires that the amended certificate state the name and sex of the person as provided in the court order and medical certificate and be of the same general type as the original certificate of birth. The bill further requires that the original certificate of birth be placed under seal. Finally, the provisions of this bill apply to persons whose sex has been changed by surgical procedure either before or after its effective date.

The committee reported the bill favorably without amendments.