

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.
3 628 entitled “An act relating to amending a birth certificate to reflect gender
4 identity” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 Sec. 1. LEGISLATIVE INTENT AND PURPOSE

8 It is the intent of the General Assembly to promote equity by allowing all
9 individuals, regardless of gender, to amend their vital records to accurately
10 reflect and affirm their identities. There is a long history of discrimination and
11 violence against the LGBTQIA+ community. This act serves to mitigate
12 future harm through the creation of a simple and equitable system to provide
13 for all gender marker changes on a Vermont birth certificate to be made
14 through means such as self-attestation.

15 Sec. 2. 18 V.S.A. § 5112 is amended to read:

16 § 5112. ISSUANCE OF NEW BIRTH CERTIFICATE; ~~CHANGE OF SEX~~

17 ~~(a)(1) Upon receipt of an application for a new birth certificate and after~~
18 ~~receiving sufficient evidence to determine that an individual’s sexual~~
19 ~~reassignment has been completed, the State Registrar shall update the~~
20 ~~Statewide Registration System and issue a new birth certificate to:~~

1 ~~(A) show that the sex of the individual born in this State has been~~
2 ~~changed; and~~

3 ~~(B) if the application is accompanied by a decree of the Probate~~
4 ~~Division authorizing a change of name associated with the change of sex, to~~
5 ~~reflect the change of name.~~

6 ~~(2) The State Registrar shall record in the System the identity of the~~
7 ~~person requesting the new certificate, the nature and content of the change~~
8 ~~made, the person who made the change, and the date of the change.~~

9 ~~(b)(1) An affidavit by a licensed physician who has treated or evaluated the~~
10 ~~individual stating that the individual has undergone surgical, hormonal, or~~
11 ~~other treatment appropriate for that individual for the purpose of gender~~
12 ~~transition shall constitute sufficient evidence to determine that sexual~~
13 ~~reassignment has been completed. The affidavit shall include the medical~~
14 ~~license number and signature of the physician.~~

15 ~~(2) If the State Registrar denies an application under this section, the~~
16 ~~applicant may petition the Probate Division of the Superior Court, which shall~~
17 ~~review the application and relevant evidence de novo to determine if the~~
18 ~~issuance of a new birth certificate under this section is warranted. If the court~~
19 ~~issues a decree ordering the issuance of a new birth certificate under this~~
20 ~~section, the State Registrar shall update the Statewide Registration System and~~
21 ~~issue a new birth certificate in accordance with subsection (a) of this section.~~

1 ~~(c) A new certificate issued pursuant to subsection (a) of this section shall~~
2 ~~be substituted for the original birth certificate in official records. The new~~
3 ~~certificate shall not show that a change in name or sex, or both, has been made.~~
4 ~~The original birth certificate, the Probate Division change of name decree, if~~
5 ~~any, and any other records relating to the issuance of the new birth certificate~~
6 ~~shall be confidential and shall be exempt from public inspection and copying~~
7 ~~under the Public Records Act; however an individual may have access to his or~~
8 ~~her own records and may authorize the State Registrar to confirm that he or she~~
9 ~~issued a new birth certificate to the individual that reflects a change in name or~~
10 ~~sex, or both.~~

11 ~~(d) If an individual born in this State has an amended birth certificate~~
12 ~~showing that the sex of the individual has been changed, and the birth~~
13 ~~certificate is marked “Court Amended” or otherwise clearly shows that it has~~
14 ~~been amended, the individual may receive a new birth certificate from the State~~
15 ~~Registrar upon application.~~

16 (a) It is the policy of the State of Vermont to honor and acknowledge all
17 gender identities and protect public health and dignity of all individuals in
18 Vermont, irrespective of their gender. Accordingly, the State shall adopt a
19 simple process by which an individual may amend the marker on a birth
20 certificate to reflect the individual’s gender identity, including a third
21 nonbinary marker.

1 (b) Pursuant to 3 V.S.A. chapter 25, the Department shall adopt rules as
2 necessary for the purposes of implementing, administering, or enforcing the
3 requirements of this section.

4 (c) The Department may adopt rules to add gender pronouns to the list of
5 markers on a birth certificate in order to foster a gender literate environment
6 and reflect an individual’s gender identity.

7 (d) Except as otherwise required by law, records relating to the amendment
8 of a birth certificate pursuant to this chapter shall be confidential and shall be
9 exempt from public inspection and copying under the Public Records Act.

10 Sec. 3. EMERGENCY RULEMAKING AUTHORITY

11 Notwithstanding any provision of 3 V.S.A. § 844 to the contrary, the
12 Department of Health shall have the authority to adopt emergency rules for the
13 purposes of implementing, administering, or enforcing the purposes of this act.

14 Sec. 4. EFFECTIVE DATE

15 This act shall take effect on July 1, 2022.

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17 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE

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