

S.112

Introduced by Senators Hardy, Clarkson, Gulick, Vyhovsky and White

Referred to Committee on

Date:

Subject: Health; vital records generally; deaths, burials, and autopsies; death
certificate; gender identity

Statement of purpose of bill as introduced: This bill proposes authorize the
State Registrar to correct or amend a death certificate to reflect the gender
identity of the deceased person.

An act relating to amending a death certificate to reflect gender identity

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 5202a is amended to read:

§ 5202a. CORRECTION, COMPLETION, OR AMENDMENT OF DEATH
CERTIFICATE

* * *

(g) Gender identity. The State Registrar may correct or amend a death
certificate to reflect the deceased person's gender identity at the time of death,
upon application by:

(1) the certifying licensed health care professional, medical examiner,
hospital, or nursing home; or

1 (2) the spouse, adult child, parent or guardian, adult sibling, or adult
2 grandchild of the deceased person.

3 (h) Rules. Pursuant to 3 V.S.A. chapter 25, the Department shall adopt
4 rules as necessary for the purposes of implementing, administering, or
5 enforcing the correction or amendment of death certificates pursuant to
6 subsection (g) of this section. The rules adopted pursuant to this subsection
7 shall include:

8 (1) a list of the documents that may be accepted as prima facie evidence
9 of the deceased person's gender identity, including any relevant information
10 contained in an advanced directive;

11 (2) the forms and affidavits that shall be used to attest to the deceased
12 person's identity at the time of death; and

13 (3) procedures for an individual to file a predesignation of their gender
14 identity, which may be used by the State Registrar to render a final decision
15 concerning the correction or amendment of a death certificate.

16 Sec. 2. DEPARTMENT OF HEALTH; RULEMAKING; LEGISLATIVE
17 INTENT

18 It is the intent of the General Assembly that the Department of Health,
19 exercising rulemaking authority pursuant to this act, shall adopt a
20 comprehensive procedure for a health care professional or surviving family
21 member to attest to the gender identity of a deceased person. The procedure

1 shall ensure that any conflicting requests for the correction or amendment of
2 the gender identity on a death certificate are resolved through the consideration
3 and review of appropriate evidence.

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect on July 1, 2025.