

[First Reprint]

**SENATE, No. 478**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Co-Sponsored by:**

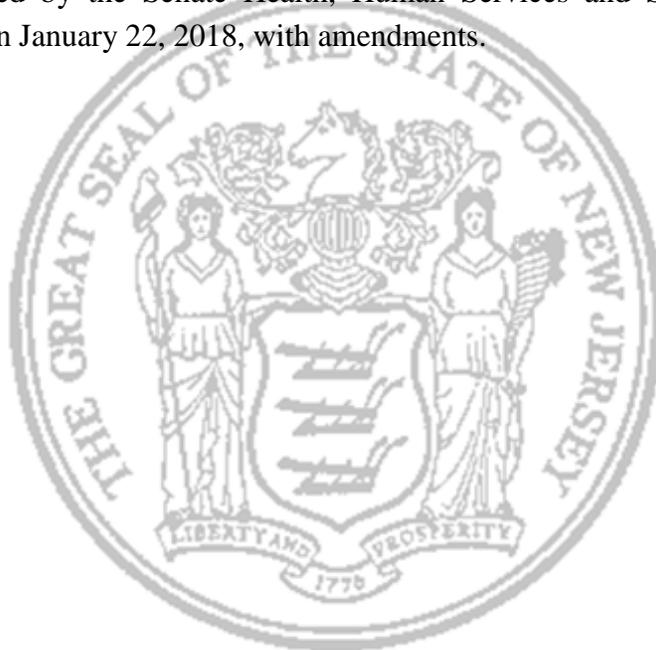
**Senators Pou, Ruiz, Bateman, Codey and Gopal**

**SYNOPSIS**

Revises procedure for issuance of amended birth certificate for person who has undergone change in gender.

**CURRENT VERSION OF TEXT**

As reported by the Senate Health, Human Services and Senior Citizens Committee on January 22, 2018, with amendments.



**(Sponsorship Updated As Of: 1/23/2018)**

1 AN ACT concerning amended certificates of birth and amending  
2 P.L.1984, c.191.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 1 of P.L.1984, c.191 (C.26:8-40.12) is amended to  
8 read as follows:

9 1. The State registrar shall issue an amended certificate of birth  
10 to a person born in this State who **【**undergoes sex reassignment  
11 surgery and**】** requests an amended certificate of birth which shows  
12 the <sup>1</sup>**【sex】** gender<sup>1</sup> and, if applicable, the name of the person as it  
13 has been changed. <sup>1</sup>**【**The application may be submitted on the  
14 person's behalf by a parent or guardian, if the person is a minor.**】**<sup>1</sup>

15 a. The State registrar shall issue the amended certificate of  
16 birth upon receipt of: (1) a certified copy of an order from a court  
17 of competent jurisdiction which indicates that the name of the  
18 person has been changed, if the person has changed his or her name;  
19 and (2) a **【**medical certificate from**】** form provided by the State  
20 registrar and completed by the <sup>1</sup>**【**person's licensed **【**physician**】**  
21 health care provider**】** person, or the person's guardian,<sup>1</sup> which  
22 <sup>1</sup>**【**indicates**】**<sup>1</sup> **【**the sex of the person has been changed by surgical  
23 procedure**】** <sup>1</sup>**【**that the person has undergone clinically appropriate  
24 treatment for the purpose of gender transition, based on  
25 contemporary medical standards, or that the person has an intersex  
26 condition.**】** affirms the following language: "I, (petitioner's full  
27 name), hereby attest under penalty of perjury that the request for a  
28 change in gender to (female, male, or undesignated/non-binary) is  
29 to conform my legal gender to my gender identity and is not for any  
30 fraudulent purpose."<sup>1</sup>

31 b. The amended certificate of birth shall be of the same general  
32 type as the original certificate of birth, <sup>1</sup>**【**but**】** and<sup>1</sup> shall not be  
33 marked as amended.

34 c. When an amended certificate of birth is issued, the State  
35 registrar shall notify the appropriate local registrar of vital statistics  
36 who shall enter the amended certificate in his local record and place  
37 his copy of the original certificate under seal.

38 d. The State **【**register**】** registrar shall place the original  
39 certificate of birth and all papers pertaining to the amended  
40 certificate of birth under seal. The seal shall not be broken except  
41 by order of a court of competent jurisdiction, or upon the request of  
42 the person who is the subject of the certificate of birth, or the parent  
43 or guardian, if the person is a minor.

**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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SHH committee amendments adopted January 22, 2018.

1       Thereafter, whenever a certified copy of the certificate of birth is  
2 prepared, it shall be made from the amended certificate of birth  
3 except when an order of a court of competent jurisdiction requires  
4 that a certified copy be made of the original certificate of birth.

5       e. In the case of a resident of this State who was born in  
6 another state or in a foreign jurisdiction, if such other state or  
7 foreign jurisdiction requires a court order in order to amend a  
8 certificate of birth to reflect a change in <sup>1</sup>[sex] gender<sup>1</sup>, a court in  
9 this State shall have jurisdiction to issue <sup>1</sup>[such]<sup>1</sup> an order  
10 <sup>1</sup>declaring a person's gender upon receipt of a statement affirming  
11 under penalty of perjury that the request for a declaration of female,  
12 male, or undesignated/non-binary gender is to conform with gender  
13 identity and not for any fraudulent purpose<sup>1</sup>.

14       **[e.] f.** The fee for issuing the amended certificate of birth is  
15 \$6.00.

16 (cf: P.L.1984, c.191, s.1)

17

18       2. This act shall take effect on the first day of the seventh  
19 month next following the date of enactment, but the State registrar  
20 may take such anticipatory administrative action in advance thereof  
21 as shall be necessary for the implementation of this act.