

REFERENCE TITLE: birth certificates; gender

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

## **HB 2292**

Introduced by  
Representatives Fillmore: Carroll, Carter, Chaplik, Parker

AN ACT

AMENDING SECTIONS 36-333 AND 36-335, ARIZONA REVISED STATUTES; RELATING TO  
BIRTH CERTIFICATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-333, Arizona Revised Statutes, is amended to  
3 read:

4 36-333. Birth certificate registration; requirements

5 A. Within seven days after a child's birth in this state, a person  
6 shall submit to a local registrar, a deputy local registrar or the state  
7 registrar, ~~—~~ a birth certificate for registration according to rules  
8 adopted pursuant to this chapter. The birth certificate shall be  
9 submitted physically or electronically through the state designated  
10 electronic registration system. A local registrar, a deputy local  
11 registrar or the state registrar may accept a certificate submitted  
12 electronically without the signatures required by rule.

13 B. If a birth occurs at a hospital, the chief administrative  
14 officer of the hospital or that person's designee shall:

15 1. Obtain the information for a birth certificate, including  
16 signatures and social security numbers required by rule.

17 2. Fill out the birth certificate.

18 3. Submit the birth certificate for registration to a local  
19 registrar, a deputy local registrar or the state registrar.

20 4. Maintain a copy of the evidentiary documents used to fill out  
21 the birth certificate for ten years after the date of submission.

22 C. If a birth does not occur at a hospital, one of the following  
23 persons shall obtain the information, evidentiary documents, social  
24 security numbers and signatures required by rule for a birth certificate,  
25 fill out the birth certificate and submit the birth certificate for  
26 registration to a local registrar, a deputy local registrar or the state  
27 registrar:

28 1. A physician, nurse or midwife who is present at the birth and  
29 who is willing and able to do so during or immediately after the birth.

30 2. If a physician, nurse or midwife is not present at the birth or  
31 is not willing or able to do so, the child's mother or father or a family  
32 member of legal age who is present, willing and able to do so during or  
33 immediately after the birth.

34 3. If the child's father or other family member of legal age is not  
35 present or is not willing or able and the child's mother is not willing or  
36 able to supply the required information, any other person who is present  
37 during or immediately after the child's birth and who can supply the  
38 required information.

39 D. If a birth occurs in a moving conveyance, the birth is  
40 considered to have occurred in the place where the child is initially  
41 removed from the conveyance. If the child is initially removed from the  
42 conveyance at a hospital, the person named in subsection B **OF THIS SECTION**  
43 shall submit the birth certificate to the state registrar or **TO** the local  
44 registrar or deputy local registrar of the registration district where the  
45 child is first removed. If the child is initially removed from the

1 conveyance at any location other than at a hospital, the person identified  
2 in subsection C OF THIS SECTION shall submit the birth certificate to the  
3 state registrar or to the local registrar or deputy local registrar of the  
4 registration district where the child is first removed.

5 E. INFORMATION SUBMITTED FOR AN INDIVIDUAL'S BIRTH CERTIFICATE  
6 PURSUANT TO THIS SECTION SHALL INDICATE THE INDIVIDUAL'S SEX AS EITHER  
7 MALE OR FEMALE.

8 ~~F.~~ F. A local registrar, a deputy local registrar or the state  
9 registrar shall register a birth certificate if the birth certificate is  
10 accurate and complete and submitted according to this chapter and rules  
11 adopted pursuant to this chapter.

12 Sec. 2. Section 36-335, Arizona Revised Statutes, is amended to  
13 read:

14 36-335. Birth registration for foundlings; requirements

15 A. A person who has custody of a foundling shall submit to the  
16 state registrar or to the local registrar or a deputy local registrar of  
17 the registration district where the foundling was found the following  
18 information:

- 19 1. The date the foundling was found.
- 20 2. The location where the foundling was found.
- 21 3. The sex, INDICATED AS EITHER MALE OR FEMALE, THE approximate  
22 race and THE approximate age of the foundling.
- 23 4. The name and address of the person who has custody of the  
24 foundling.
- 25 5. The name given to the foundling by the person who has custody of  
26 the foundling.
- 27 6. Any other data required by rules adopted pursuant to this  
28 chapter.

29 B. The state registrar shall create and register a birth  
30 certificate for a foundling and enter on the birth certificate the  
31 following information:

- 32 1. The location where the foundling was found as the place of  
33 birth.
- 34 2. The date of birth based on the approximate age of the foundling.

35 C. A person who has custody of a foundling and determines the  
36 foundling's identity shall notify the state registrar in writing of the  
37 determination.

38 D. If the identity of a foundling is determined, the state  
39 registrar shall seal the foundling's registered birth certificate and  
40 provide access to the foundling's registered birth certificate only  
41 pursuant to a court order issued in this state.