

REFERENCE TITLE: **birth certificates; sex designation**

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2261

Introduced by
Representative Cano

AN ACT

AMENDING SECTIONS 36-321 AND 36-337, ARIZONA REVISED STATUTES; RELATING TO VITAL RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-321, Arizona Revised Statutes, is amended to
3 read:

4 36-321. Information required for a certificate

5 A. The state registrar shall prescribe by rule the information
6 required to be submitted to create or amend a vital record.

7 **B. A BIRTH CERTIFICATE SHALL INCLUDE A FIELD TO INDICATE THE
8 PERSON'S SEX AS MALE, FEMALE OR INTERSEX.**

9 ~~C.~~ C. A person who submits a certificate for registration must
10 make a reasonable effort to ensure that the information on the certificate
11 is correct and accurate.

12 ~~D.~~ D. A certificate registered pursuant to this chapter must
13 include an official state number and the date of registration.

14 Sec. 2. Section 36-337, Arizona Revised Statutes, is amended to
15 read:

16 36-337. Amending birth certificates

17 A. The state registrar shall amend the birth certificate for a
18 person born in this state when the state registrar receives any of the
19 following:

20 1. Except as provided in subsection D of this section, an adoption
21 certificate or a court order for adoption required pursuant to section
22 36-336.

23 2. A voluntary acknowledgment of paternity pursuant to section
24 25-812.

25 3. For a person who has undergone a sex change operation or has a
26 chromosomal count that establishes the sex of the person as different than
27 **PRESCRIBED** in the registered birth certificate, both of the following:

28 (a) A written request for an amended birth certificate from the
29 person or, if the person is a child, from the child's parent or legal
30 guardian.

31 (b) A written statement by a physician that verifies the sex change
32 operation or chromosomal count.

33 4. A court order ordering an amendment to ~~a~~ **THE PERSON'S** birth
34 certificate.

35 **5. DOCUMENTATION FROM A LICENSED HEALTH CARE PRACTITIONER WHO HAS
36 TREATED OR EVALUATED THE PERSON AND HAS DETERMINED THAT THE PERSON'S SEX
37 DESIGNATION SHOULD BE CHANGED BECAUSE THE PERSON HAS BEEN DIAGNOSED WITH
38 AN INTERSEX CONDITION.**

39 B. The state registrar shall change the name of the father on a
40 registered birth certificate if:

41 1. The state registrar receives an administrative order or a court
42 order ordering the state registrar to change the father's name on the
43 registered birth certificate.

44 2. Paternity is established through a voluntary acknowledgement of
45 paternity pursuant to section 25-812.

1 C. If a registered birth certificate does not exist for a person
2 born in this state who is requesting to amend a birth certificate, the
3 person making that request shall comply with the requirements established
4 by rule.

5 D. The state registrar shall retain the information on a person's
6 registered birth certificate after the person's adoption if all of the
7 following documents are submitted to the state registrar:

8 1. A written request to retain the information signed by the
9 adoptive parent or a court order containing a request to retain the
10 information on the registered birth certificate.

11 2. A written statement agreeing to retain the mother's name on the
12 person's registered birth certificate, signed by the mother, or if the
13 mother is deceased, a certified copy of a registered death certificate for
14 the mother.

15 3. If there is a father's name stated on the registered birth
16 certificate, a written statement agreeing to retain the father's name on
17 the person's registered birth certificate, signed by the father, or if the
18 father is deceased, a certified copy of a registered death certificate for
19 the father.

20 E. If the state registrar amends a registered birth certificate
21 following adoption, the birth certificate shall state the city or county
22 of birth stated on the existing registered birth certificate and the date
23 of birth stated on the existing registered birth certificate. The state
24 registrar may omit the exact location of birth on the registered birth
25 certificate.

26 F. If a local registrar or deputy local registrar amends a
27 registered birth certificate, the local registrar or deputy local
28 registrar shall forward all evidentiary documents provided to create the
29 new birth certificate to the state registrar.

30 G. If the state registrar amends a registered birth certificate,
31 the state registrar shall seal the previously registered birth certificate
32 and the evidentiary documents provided to amend the registered birth
33 certificate. The state registrar shall provide access to a sealed
34 certificate or evidentiary documents only pursuant to section 36-322 or
35 36-340 or a court order issued in this state or as prescribed by rule.

36 H. If the state registrar receives a court order annulling an
37 adoption, the state registrar shall unseal the sealed registered birth
38 certificate and shall seal the new birth certificate and evidentiary
39 documents.