

REFERENCE TITLE: birth certificates; amendments; gender

State of Arizona
Senate
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2024

SB 1425

Introduced by
Senators Hernandez: Alston, Gabaldón, Mendez, Miranda, Sundareshan;
Representatives Hernandez M, Ortiz, Villegas

AN ACT

AMENDING SECTION 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 36-337, Arizona Revised Statutes, is amended to
3 read:

4 36-337. Amending birth certificates

5 A. The state registrar shall amend the birth certificate for a
6 person born in this state when the state registrar receives any of the
7 following:

8 1. Except as provided in subsection D of this section, an adoption
9 certificate or a court order for adoption required pursuant to section
10 36-336.

11 2. A voluntary acknowledgment of paternity pursuant to section
12 25-812.

13 3. For a person who ~~has undergone a sex change operation or has a~~
14 ~~chromosomal count that establishes the sex of the person as different than~~
15 ~~in the~~ IS SEEKING TO CHANGE THE SEX DESIGNATED ON A registered birth
16 certificate, both of the following:

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

20 ~~(b) A written statement by a physician that verifies the sex change~~
21 ~~operation or chromosomal count.~~

22 (b) A WRITTEN STATEMENT FROM A LICENSED MEDICAL OR MENTAL HEALTH
23 PROFESSIONAL STATING THAT THE PERSON HAS UNDERGONE SURGICAL, HORMONAL,
24 PSYCHOLOGICAL OR OTHER TREATMENT APPROPRIATE FOR THAT PERSON FOR THE
25 PURPOSE OF GENDER TRANSITION, BASED ON CONTEMPORARY MEDICAL STANDARDS.

26 4. A court order ordering an amendment to ~~a~~ THE birth certificate.

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

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

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

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

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

41 1. A written request to retain the information signed by the
42 adoptive parent or a court order containing a request to retain the
43 information on the registered birth certificate.

44 2. A written statement agreeing to retain the mother's name on the
45 person's registered birth certificate, signed by the mother, or if the

1 mother is deceased, a certified copy of a registered death certificate for
2 the mother.

3 3. If there is a father's name stated on the registered birth
4 certificate, a written statement agreeing to retain the father's name on
5 the person's registered birth certificate, signed by the father, or if the
6 father is deceased, a certified copy of a registered death certificate for
7 the father.

8 E. If the state registrar amends a registered birth certificate
9 following adoption, the birth certificate shall state the city or county
10 of birth stated on the existing registered birth certificate and the date
11 of birth stated on the existing registered birth certificate. The state
12 registrar may omit the exact location of birth on the registered birth
13 certificate.

14 F. If a local registrar or deputy local registrar amends a
15 registered birth certificate, the local registrar or deputy local
16 registrar shall forward all evidentiary documents provided to create the
17 new birth certificate to the state registrar.

18 G. If the state registrar amends a registered birth certificate,
19 the state registrar shall seal the previously registered birth certificate
20 and the evidentiary documents provided to amend the registered birth
21 certificate. The state registrar shall provide access to a sealed
22 certificate or evidentiary documents only pursuant to section 36-322 or
23 36-340 or a court order issued in this state or as prescribed by rule.

24 H. If the state registrar receives a court order annulling an
25 adoption, the state registrar shall unseal the sealed registered birth
26 certificate and shall seal the new birth certificate and evidentiary
27 documents.