

IN THE SENATE

SENATE BILL NO. 1387

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO VITAL STATISTICS; AMENDING CHAPTER 2, TITLE 39, IDAHO CODE,  
2 BY THE ADDITION OF A NEW SECTION 39-279, IDAHO CODE, TO PROVIDE FOR  
3 CHANGING THE SEX INDICATOR ON A BIRTH CERTIFICATE, TO PROVIDE REQUIRE-  
4 MENTS FOR AN AMENDED BIRTH CERTIFICATE, AND TO PROVIDE FOR CERTAIN NAME  
5 CHANGES.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 2, Title 39, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 39-279, Idaho Code, and to read as follows:

11 39-279. CHANGING THE SEX INDICATOR ON A BIRTH CERTIFICATE. (1) The  
12 state registrar of vital statistics must issue an amended Idaho certificate  
13 of live birth for the change of the sex indicator on receipt of the following:

14 (a) From an individual eighteen (18) years of age or older, a completed  
15 and notarized application on a form approved by the state registrar of  
16 vital statistics that includes the following information:

17 (i) The identity of the individual;

18 (ii) The Idaho certificate of live birth to be amended;

19 (iii) A declaration that the individual's sex indicator on the  
20 Idaho certificate of live birth does not match the individual's  
21 gender identity; and

22 (iv) The sex indicator as it should appear on the amended certifi-  
23 cate of live birth.

24 (b) From an individual under the age of eighteen (18) years, a completed  
25 and notarized application on a form approved by the state registrar of  
26 vital statistics that includes the following information:

27 (i) The identity of the individual;

28 (ii) The Idaho certificate of live birth to be amended;

29 (iii) A declaration that the individual's sex indicator on the  
30 Idaho certificate of live birth does not match the individual's  
31 gender identity;

32 (iv) The sex indicator as it should appear on the amended certifi-  
33 cate of live birth;

34 (v) The consent of all parents listed on the certificate of live  
35 birth or the consent of the individual's legal guardian. If a par-  
36 ent is deceased, a copy of the death certificate must be submit-  
37 ted with the application. If a parent cannot be located, the indi-  
38 vidual must also submit a certified copy of an order from an Idaho  
39 court of competent jurisdiction ordering that the consent of only  
40 one (1) parent is required; and

41 (vi) A signed form from a licensed professional stating that in  
42 such professional's opinion, the requested change of sex indica-

1           tor accurately reflects the gender with which the individual iden-  
2           tifies. For purposes of this section, "licensed professional"  
3           means a licensed physician, psychiatrist, nurse practitioner,  
4           physician's assistant, psychologist, or professional counselor.

5           (2) The amended certificate of live birth issued under this section  
6           must not be marked amended, must not refer to the original certificate of  
7           live birth sex, and must show the amended sex indicator as requested. The  
8           certificate of live birth being amended, application, signed form from a  
9           licensed professional for individuals under the age of eighteen (18) years,  
10          and court order, if required, must be placed in a sealed file that may be  
11          opened only by an order from an Idaho court of competent jurisdiction.

12          (3) A onetime name change made under an amendment of sex indicator on  
13          the certificate of live birth, whether made prior to, at the time of, or sub-  
14          sequent to a change of sex indicator on a certificate of live birth, must not  
15          be marked amended and must not refer to the original birth certificate name  
16          or sex indicator.