

IN THE SENATE

SENATE BILL NO. 1387, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO VITAL STATISTICS; AMENDING CHAPTER 2, TITLE 39, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 39-279, IDAHO CODE, TO PROVIDE FOR CHANG-
3 ING THE SEX INDICATOR ON A BIRTH CERTIFICATE, TO PROVIDE REQUIREMENTS
4 FOR AN AMENDED BIRTH CERTIFICATE, TO PROVIDE FOR CERTAIN NAME CHANGES,
5 AND TO PROVIDE THAT THE SECTION SHALL BECOME EFFECTIVE UNDER CERTAIN
6 CIRCUMSTANCES.
7

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

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

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

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

18 (i) The identity of the individual;

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

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

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

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

28 (i) The identity of the individual;

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

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

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

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

1 (vi) A signed form from a licensed professional stating that in
2 such professional's opinion, the requested change of sex indica-
3 tor accurately reflects the gender with which the individual iden-
4 tifies. For purposes of this section, "licensed professional"
5 means a licensed physician, psychiatrist, nurse practitioner,
6 physician's assistant, psychologist, or professional counselor.

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

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

19 (4) Notwithstanding any other provision of law, this section shall be-
20 come effective upon occurrence of the following:

21 (a) The Idaho attorney general determines that a court of competent ju-
22 risdiction has issued an injunction against enforcing the provisions of
23 section 39-245A, Idaho Code;

24 (b) The Idaho attorney general has published such determination in the
25 administrative bulletin published by the office of the administrative
26 rules coordinator, division of financial management, office of the gov-
27 ernor, pursuant to chapter 52, title 67, Idaho Code; and

28 (c) Ten (10) days have passed since the publication described in para-
29 graph (b) of this subsection.