

2019 SESSION

LEGISLATION NOT PREPARED BY DLS
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SB1643

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SENATE BILL NO. 1643

Offered January 9, 2019

Prefiled January 9, 2019

A BILL to amend and reenact § 32.1-269 of the Code of Virginia, relating to birth certificates; change of sex.

Patron—Boysko

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-269 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-269. Amending vital records; change of name; acknowledgment of paternity; change of sex.

A. A vital record registered under this chapter, with the exception of a death certificate, may be amended only in accordance with this section and such regulations as may be adopted by the Board to protect the integrity and accuracy of such vital records. Such regulations shall specify the minimum evidence required for a change in any such vital record.

B. Except in the case of an amendment provided for in subsection D, a vital record that is amended under this section shall be marked "amended" and the date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the vital record. The Board shall prescribe by regulation the conditions under which omissions or errors on certificates, including designation of sex, may be corrected within one year after the date of the event without the certificate being marked amended. In a case of hermaphroditism or pseudo-hermaphroditism, the certificate of birth may be corrected at any time without being considered as amended upon presentation to the State Registrar of such medical evidence as the Board may require by regulation.

C. Upon receipt of a certified copy of a court order changing the name of a person as listed in a vital record and upon request of such person or his parent, guardian, or legal representative or the registrant, the State Registrar shall amend such vital records to reflect the new name.

D. Upon written request of both parents and receipt of a sworn acknowledgment of paternity executed subsequent to the birth and signed by both parents of a child born out of wedlock, the State Registrar shall amend the certificate of birth to show such paternity if paternity is not shown on the birth certificate. Upon request of the parents, the surname of the child shall be changed on the certificate to that of the father.

E. Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that the sex of an individual has been changed by medical procedure and upon request of such a person and in accordance with requirements of the Board established in regulations, the State Registrar shall amend such person's certificate of birth to show the a change of sex and, if a certified copy of a court order changing the person's name is submitted, to show a new name. Requirements related to amendment of a birth certificate to show a change of sex may include a requirement that the person requesting the amendment submit an affidavit provided by a health care provider from whom the person has received treatment stating that the person has undergone clinically appropriate treatment for the purpose of gender transition but shall not include any requirement for evidence or documentation of any medical procedure.

F. When an applicant does not submit the minimum documentation required by regulation to amend a vital record or when the State Registrar finds reason to question the validity or sufficiency of the evidence, the vital record shall not be amended and the State Registrar shall so advise the applicant. An aggrieved applicant may petition the circuit court of the county or city in which he resides or the Circuit Court of the City of Richmond, Division I, for an order compelling the State Registrar to amend the vital record; an aggrieved applicant who was born in Virginia, but is currently residing out of State, may petition any circuit court in the Commonwealth for such an order. The State Registrar or his authorized representative may appear and testify in such proceeding.

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