

Amendment to HB 446

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Vital Records; Initiating Amendments and Corrections to Birth Records; Gender Identity.
4 RSA 5-C:87, V is repealed and reenacted to read as follows:

5 V. If an individual requests a birth record reflecting a gender designation other than that
6 which was assigned at birth, a new birth record shall be prepared to reflect a change in the
7 individual's gender upon receipt of a notarized certification affirming the individual's gender
8 designation by a licensed and qualified health care provider.

9 (a) The notarized certification shall be signed by a licensed and qualified health care
10 provider under the penalty of RSA 5-C:14. It shall provide that the named individual is currently or
11 was previously under the signing health care provider's care, and that in the health care provider's
12 professional opinion the individual's gender is (1) male, (2) female, or (3) neither male nor female,
13 and can be reasonably expected to continue as such for the foreseeable future.

14 (b) The application shall be signed by the applicant under the penalty of RSA 5-C:14.
15 This signature shall certify that the request for change of gender is for the purpose of ensuring that
16 the applicant's birth record accurately reflects the applicant's gender, and that the request is not for
17 any fraudulent or unlawful purpose. If the applicant is a minor who is at least 14 years of age but
18 less than 18 years of age, the application shall be signed by the applicant and by each parent listed
19 on the minor's birth certificate or the minor's legal guardian. If a parent listed on the birth
20 certificate cannot be found, the applicant also shall submit a certified copy of a court order stating
21 that the consent of only one parent is required. If a parent is deceased, a certified copy of the death
22 certificate shall be submitted with the application.

23 (c) The individual shall surrender any prior birth record issued by the state of New
24 Hampshire in the individual's possession. The original birth record shall be retained by the city or
25 town of birth. The city or town clerk shall submit the individual's application, the health care
26 provider's certification, and a certified copy of the original birth record to the state registrar for
27 review. Upon approval by the state registrar, the city or town clerk shall issue a new birth record
28 with a marginal note indicating that the record has been amended in accordance with this
29 paragraph. The birth records shall reflect the gender as male, female, or neither.

30 (d) The fee to amend a birth record pursuant to this paragraph shall be the same as the
31 fee to amend a birth record pursuant to RSA 5-C:10, III. Any subsequent amendment to the birth
32 record regarding gender designation shall require a court order.

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- Page 2 -

- 1 (e) In this paragraph, "licensed and qualified health care provider" means a treating
2 and licensed physician, physician assistant, psychologist, advanced practice registered nurse,
3 clinical social worker, or clinical mental health counselor.
- 4 2 Effective Date. This act shall take effect January 1, 2020.