

HB 264-FN - AS INTRODUCED

2023 SESSION

23-0250

05/08

HOUSE BILL

264-FN

AN ACT relative to amendments and corrections to birth records.

SPONSORS: Rep. Cannon, Straf. 12; Rep. Simpson, Rock. 33; Rep. Schultz, Merr. 29; Rep. Tanner, Sull. 5; Rep. DiLorenzo, Rock. 10; Rep. Levesque, Straf. 4; Rep. Toll, Ches. 15; Sen. Watters, Dist 4; Sen. Altschiller, Dist 24

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill provides a procedure for an individual to obtain a new birth certificate to reflect a sex designation other than that which was assigned at birth.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to amendments and corrections to birth records.

Be it Enacted by the Senate and House of Representatives in General Court convened:

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2 RSA 5-C:87, V is repealed and reenacted to read as follows:

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

7 (a) The notarized certification shall be signed by a licensed and qualified health care
8 provider under the penalty of RSA 5-C:14. It shall provide that the named individual is currently or
9 was previously under the signing health care provider's care, and that in the health care provider's
10 professional opinion the individual's gender is male or female and can be reasonably expected to
11 continue as such for the foreseeable future.

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

21 (c) The individual shall surrender any prior birth record issued by the state of New
22 Hampshire in the individual's possession. The original birth record shall be retained by the city or
23 town of birth. The city or town clerk shall submit the individual's application, the health care
24 provider's certification, and a certified copy of the original birth record to the state registrar for
25 review. Upon approval by the state registrar, the city or town clerk shall issue a new birth record
26 without a marginal note. The birth record shall reflect the gender as male or female.

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

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1 (e) In this paragraph, "licensed and qualified health care provider" means a treating and
2 licensed physician, physician assistant, psychologist, advanced practice registered nurse, clinical
3 social worker, or clinical mental health counselor.

4 (f) Secretary of state shall provide an application for state-wide use to implement this
5 paragraph.

6 2 Effective Date. This act shall take effect January 1, 2024.

**HB 264-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to amendments and corrections to birth records.

FISCAL IMPACT: ☒ State ☐ County ☒ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$15,000 to \$50,000	\$0	\$0
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Vital Records Improvement Fund			

LOCAL:

Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill describes procedures on how an individual would obtain a new birth certificate to reflect a sex designation other than what which was assigned at birth.

The Department of State indicates this would be a one time increase to the Vital Records Improvement Fund as they would need to update the NH Vital Record Information Network. They note historically software changes similar to this have cost between \$15,000 and \$50,000.

The New Hampshire Municipal Association (NHMA) states this bill would have an indeterminable impact on local revenue and expenditure. NHMA states they are unable to determine how many individuals would be requesting this change, however they believe the number will likely be low.

AGENCIES CONTACTED:

Department of State and New Hampshire Municipal Association