

REFERENCE TITLE: birth certificates; gender

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2262

Introduced by
Representative Cano

AN ACT

AMENDING SECTION 36-337, ARIZONA REVISED STATUTES; RELATING TO VITAL RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-337, Arizona Revised Statutes, is amended to
3 read:

4 36-337. Amending birth certificates

5 A. The state registrar shall amend the birth certificate for a
6 person born in this state when the state registrar receives any of the
7 following:

8 1. Except as provided in subsection D of this section, an adoption
9 certificate or a court order for adoption required pursuant to section
10 36-336.

11 2. A voluntary acknowledgment of paternity pursuant to section
12 25-812.

13 3. For a person who has undergone a sex change operation or has a
14 chromosomal count that establishes the sex of the person as different than
15 **PRESCRIBED** in the registered birth certificate, both of the following:

16 (a) A written request for an amended birth certificate from the
17 person or, if the person is a child, from the child's parent or legal
18 guardian.

19 (b) A written statement by a physician that verifies the sex change
20 operation or chromosomal count.

21 4. A court order ordering an amendment to ~~a~~ **THE PERSON'S** birth
22 certificate.

23 **5. A REQUEST FROM THE PERSON TO INDICATE THE PERSON'S GENDER ON THE**
24 **REGISTERED BIRTH CERTIFICATE AS MALE, FEMALE OR NONBINARY.**

25 B. The state registrar shall change the name of the father on a
26 registered birth certificate if:

27 1. The state registrar receives an administrative order or a court
28 order ordering the state registrar to change the father's name on the
29 registered birth certificate.

30 2. Paternity is established through a voluntary acknowledgement of
31 paternity pursuant to section 25-812.

32 C. If a registered birth certificate does not exist for a person
33 born in this state who is requesting to amend a birth certificate, the
34 person making that request shall comply with the requirements established
35 by rule.

36 D. The state registrar shall retain the information on a person's
37 registered birth certificate after the person's adoption if all of the
38 following documents are submitted to the state registrar:

39 1. A written request to retain the information signed by the
40 adoptive parent or a court order containing a request to retain the
41 information on the registered birth certificate.

42 2. A written statement agreeing to retain the mother's name on the
43 person's registered birth certificate, signed by the mother, or if the
44 mother is deceased, a certified copy of a registered death certificate for
45 the mother.

1 3. If there is a father's name stated on the registered birth
2 certificate, a written statement agreeing to retain the father's name on
3 the person's registered birth certificate, signed by the father, or if the
4 father is deceased, a certified copy of a registered death certificate for
5 the father.

6 E. If the state registrar amends a registered birth certificate
7 following adoption, the birth certificate shall state the city or county
8 of birth stated on the existing registered birth certificate and the date
9 of birth stated on the existing registered birth certificate. The state
10 registrar may omit the exact location of birth on the registered birth
11 certificate.

12 F. If a local registrar or deputy local registrar amends a
13 registered birth certificate, the local registrar or deputy local
14 registrar shall forward all evidentiary documents provided to create the
15 new birth certificate to the state registrar.

16 G. If the state registrar amends a registered birth certificate,
17 the state registrar shall seal the previously registered birth certificate
18 and the evidentiary documents provided to amend the registered birth
19 certificate. The state registrar shall provide access to a sealed
20 certificate or evidentiary documents only pursuant to section 36-322 or
21 36-340 or a court order issued in this state or as prescribed by rule.

22 H. If the state registrar receives a court order annulling an
23 adoption, the state registrar shall unseal the sealed registered birth
24 certificate and shall seal the new birth certificate and evidentiary
25 documents.