

REFERENCE TITLE: birth certificates; amendments; prohibition

State of Arizona
House of Representatives
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2025

HB 2438

Introduced by
Representatives Keshel: Biasiucci, Chaplik, Diaz, Fink, Gillette, Heap,
Kolodin, Kupper, Marshall, Peña, Pingerelli, Powell, Taylor, Weninger

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 birth certificate.

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

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

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

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

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

36 1. A written request to retain the information signed by the
37 adoptive parent or a court order containing a request to retain the
38 information on the registered birth certificate.

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

43 3. If there is a father's name stated on the registered birth
44 certificate, a written statement agreeing to retain the father's name on
45 the person's registered birth certificate, signed by the father, or if the

1 father is deceased, a certified copy of a registered death certificate for
2 the father.

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

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

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

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

23 I. A JUDGE PRO TEMPORE OR COMMISSIONER MAY NOT ISSUE AN ORDER TO
24 AMEND A BIRTH CERTIFICATE PURSUANT TO SUBSECTION A, PARAGRAPH 4 OF THIS
25 SECTION.