23.0408.03002

Sixty-eighth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1297

Introduced by

Representatives Kasper, Koppelman, Prichard, Rohr, D. Ruby, M. Ruby, Steiner, VanWinkle

Senators Boehm, Clemens, Myrdal

A BILL for an Act to create and enact a new section to chapter 23-02.1 of the North Dakota Century Code, relating to correction or amendment of birth records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 23-02.1 of the North Dakota Century Code is created and enacted as follows:

Birth records - Amendments and corrections - ~~Gender identity~~Sex change.

1. The sex designation on a birth record of an individual born in this state may not be amended under section 23-02.1-25 due to a gender identity change.
2. The sex designation on a birth record of an individual born in this state may not be amended or corrected under section 23-02.1-25 unless:
   a. The sex of the individual was listed incorrectly on the original birth record as a result of a scrivener's error or data entry error;
   b. The sex of the individual was misidentified on the original birth record and the request for correction is accompanied by a copy of the results of chromosomal, molecular, karyotypic, DNA, or genetic testing that identifies the sex of the individual, together with an affidavit from the health care facility, health care professional, or laboratory testing facility that conducted the test or analyzed the test results, attesting to the test results and the accuracy of the test results; or
   c. The sex of the individual was changed with anatomically correct genitalia for the identified sex as certified by a medical provider.
3. As used in this chapter, "sex" means the biological state of being male or female, based on an individual's nonambiguous sex organs, chromosomes, ~~and~~or endogenous hormone profiles at birth.