Wolf, Sheldon

From: Lee, Judy E.
Sent: Tuesday, March 21, 2023 9:20 PM
To: -Grp-NDLA Senate Human Services; NDLA, Intern 02 - Pouliot, Lindsey; Wolf, Sheldon; Lahr, Pat
Subject: FW: HB1297

FYI -

Senator Judy Lee
1822 Brentwood Court
West Fargo, ND 58078
Home phone: 701-282-6512
Email: jlee@ndlegis.gov

From: Meschke, Darin J. <dmeschke@nd.gov>
Sent: Tuesday, March 21, 2023 2:47 PM
To: Lee, Judy E. <jlee@nd.gov>
Cc: Roers, Kristin <kroers@ndlegis.gov>
Subject: FW: HB1297

Madam Chair Lee,

I did follow up on the question asked by Sen. Roers in regards to the intent of HB1297 and based on the AG's opinion below, subsection C would allow a person having bottom half sex reassignment surgery to have their birth record amended.

If you have any other clarifying questions, please let me know.

Sincerely,
Darin J. Meschke
State Registrar
Director, Vital Records

701-328-2494 • dmeschke@nd.gov • hhs.nd.gov/vital

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From: Hicks, Allyson M. <ahicks@nd.gov>
Sent: Tuesday, March 21, 2023 2:05 PM

To: Meschke, Darin J. <dmeschke@nd.gov>
Cc: Wilke, Dirk D. <ddwilke@nd.gov>; Miller, Tracy K. <tkmiller@nd.gov>
Subject: RE: HB1297

Darin,

I agree with your interpretation. Section 2 indicates that the sex designation CAN be corrected when the sex of the individual is changed to have the anatomically "correct" genitalia for the identified sex (ie: bottom surgery). This is in line with our current admin rules and practices.

Please let me know if you have any additional questions.

Thank you,

Allyson M. Hicks
Assistant Attorney General
Office of Attorney General
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From: Meschke, Darin J. <dmeschke@nd.gov>
Sent: Tuesday, March 21, 2023 2:00 PM
To: Hicks, Allyson M. <ahicks@nd.gov>
Cc: Wilke, Dirk D. <ddwilke@nd.gov>; Miller, Tracy K. <tkmiller@nd.gov>
Subject: HB1297

Allyson,

Sen. Roers asked me during the hearing for HB1297 about subsection C, under section 2. Rep. Kasper testified that he believed that this bill would not allow an individual to change their sex on their birth record after birth. Sen. Roers asked me if that's what I thought the bill said, and I said that the department thought that subsection C would allow an individual to change their sex on a birth record if they had bottom-half surgery much like our administrative code allows now. So, HB1297 was simply codifying our current processes of changing sex on a birth record.

Whose interpretation is correct, so I can clarify with Sen. Roers?

Darin J. Meschke
State Registrar
Director, Vital Records

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