

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 2457

(SENATE AUTHORS: PORT, Dibble, Murphy, Franzen and Kunes)

DATE
04/21/2021

D-PG
3031

Introduction and first reading
 Referred to Health and Human Services Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
 1.2 relating to vital records; authorizing change of sex on original birth certificates;
 1.3 proposing coding for new law in Minnesota Statutes, chapter 144.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[144.2182] CHANGE OF SEX.**

1.6 Subdivision 1. Request to make change. A person whose birth is registered in Minnesota
 1.7 may request that the commissioner change or remove the sex, if any, assigned to that person
 1.8 on the person's original birth certificate. If the person is a minor, a parent or guardian may
 1.9 make the request on behalf of the minor.

1.10 Subd. 2. Documentation required. A person making a request under this section must
 1.11 submit any forms or fees required by the commissioner and provide acceptable documentation
 1.12 to satisfy to the commissioner that granting the request will not harm the integrity and
 1.13 accuracy of vital records. Acceptable documentation includes but is not limited to:

1.14 (1) a written statement from a provider of medical services that the requested change is
 1.15 appropriate in their medical opinion;

1.16 (2) a certified copy of a court order from a court of competent jurisdiction in this or
 1.17 another state granting the requested change; or

1.18 (3) a sworn statement provided by the person who is the subject of the birth certificate,
 1.19 or by the parent or guardian of the minor who is the subject of the birth certificate, that the
 1.20 request is not based upon an intent to defraud or mislead and is made in good faith and, if
 1.21 the subject is a minor, that the change is in the minor's best interest.

2.1 Subd. 3. **Court orders.** A person may file a petition in district court to change or remove
2.2 the sex assigned on their original birth certificate. If the person is a minor, a parent or
2.3 guardian may file a petition on behalf of the minor. The court shall consider petitions filed
2.4 by persons over whom the court has jurisdiction for an order granting a change of sex on
2.5 an original birth certificate irrespective of the jurisdiction in which the original birth
2.6 certificate was issued. The court shall issue an order under this section upon a finding that
2.7 the request is not based upon an intent to defraud or mislead and is made in good faith and,
2.8 if the subject of the birth certificate is a minor, that the change is in the minor's best interest.

2.9 Subd. 4. **Records sealed.** When the commissioner has received the necessary information
2.10 and made the requested change on the birth certificate, the commissioner shall provide a
2.11 certified copy of the corrected birth certificate to the person requesting the change. Upon
2.12 issuance of a corrected birth certificate under this section, the original record of birth shall
2.13 be classified as confidential data pursuant to section 13.02, subdivision 3, and shall not be
2.14 disclosed except pursuant to court order or section 144.2252.