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SENATE BILL 20

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Jacob R. Candelaria

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO VITAL STATISTICS; AMENDING A SECTION OF THE VITAL STATISTICS ACT TO PROVIDE FOR AMENDMENT OF SEX DESIGNATION ON VITAL RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 24-14-25 NMSA 1978 (being Laws 1961, Chapter 44, Section 23, as amended) is amended to read:

"24-14-25. CORRECTION AND AMENDMENT OF VITAL RECORDS.--

A. A certificate or report registered under the Vital Statistics Act may be amended only in accordance with that act and regulations adopted by the department pursuant to that act to protect the integrity and accuracy of vital records and health statistics.

B. Upon receipt of a certified copy of a court order changing the name of a person born in this state and upon

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
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1 request of the person or the person's parent, guardian or legal
2 representative, the state registrar shall amend the original
3 certificate of birth to reflect the new name.

4 C. Upon request and receipt of an ~~[acknowledgement]~~
5 acknowledgment of paternity signed under penalty of perjury by
6 both parents of a child born to an unmarried mother or, in the
7 case of a married mother, upon receipt of an acknowledgment of
8 paternity signed under penalty of perjury by the mother and the
9 non-husband and of a denial of paternity signed under penalty
10 of perjury by the husband, the state registrar shall amend a
11 certificate of birth to show the paternity if paternity is not
12 shown on the birth certificate. The certificate of birth shall
13 not be marked "amended".

14 D. Upon receipt of a statement signed under penalty
15 of perjury by ~~[the person in charge of an institution or from~~
16 ~~the attending physician]~~ an individual born in this state, or
17 the individual's parent, guardian or legal representative,
18 indicating ~~[that]~~ the ~~[sex of an]~~ gender identity of the
19 individual ~~[born in this state has been changed by surgical~~
20 ~~procedure]~~, together with a certified copy of an order changing
21 the name of the ~~[person]~~ individual, if applicable, the
22 certificate of birth of the individual shall be ~~[amended]~~
23 reissued to reflect a designation of male, female or X, as
24 prescribed by regulation. The certificate of birth shall not
25 be marked "amended" pursuant to Subsection F of this section.

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underscoring material = new
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1 E. When an applicant does not submit the minimum
2 documentation required in the regulations for amending a vital
3 record or when the state registrar has reasonable cause to
4 question the validity or adequacy of the applicant's statements
5 or statements made under penalty of perjury or the documentary
6 evidence and if the deficiencies are not corrected, the state
7 registrar shall not amend the vital records and shall advise
8 the applicant of the reason for this action.

9 F. A certificate or report that is amended under
10 this section shall be marked "amended", except as otherwise
11 provided in [~~Subsection~~] Subsections C and D of this section.
12 The date of the amendment and a summary description of the
13 evidence submitted in support of the amendment shall be
14 endorsed on or made a part of the record. The department shall
15 prescribe by regulation the conditions under which additions or
16 minor corrections may be made to certificates or records within
17 one year after the date of the event without the certificate or
18 record being marked "amended".

19 G. For the purposes of this section, "X" means
20 nonbinary, undesignated or other."