



House of Representatives

General Assembly

File No. 436

January Session, 2021

Substitute House Bill No. 6549

House of Representatives, April 14, 2021

The Committee on Public Health reported through REP. STEINBERG of the 136th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING AMENDMENTS TO MARRIAGE CERTIFICATES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (10) of section 7-36 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2021*):

4 (10) "Amendment" means to (A) change or enter new information on
5 a certificate of birth, marriage, death or fetal death, more than one year
6 after the date of the vital event recorded in such certificate, in order to
7 accurately reflect the facts existing at the time of the recording of the
8 event, (B) create a replacement certificate of birth for matters pertaining
9 to parentage and gender change, [or] (C) create a replacement certificate
10 of marriage for matters pertaining to gender change, or (D) reflect a legal
11 name change in accordance with section 19a-42, as amended by this act,
12 or make a modification to a cause of death;

13 Sec. 2. Section 19a-42 of the general statutes is repealed and the

14 following is substituted in lieu thereof (*Effective October 1, 2021*):

15 (a) To protect the integrity and accuracy of vital records, a certificate
16 registered under chapter 93 may be amended only in accordance with
17 sections 19a-41 to 19a-45, inclusive, chapter 93, regulations adopted by
18 the Commissioner of Public Health pursuant to chapter 54 and uniform
19 procedures prescribed by the commissioner. Only the commissioner
20 may amend birth certificates to reflect changes concerning parentage, or
21 birth or marriage certificates to reflect changes concerning gender
22 change. Amendments related to parentage or gender change shall result
23 in the creation of a replacement certificate that supersedes the original,
24 and shall in no way reveal the original language changed by the
25 amendment. Any amendment to a vital record made by the registrar of
26 vital statistics of the town in which the vital event occurred or by the
27 commissioner shall be in accordance with such regulations and uniform
28 procedures.

29 (b) The commissioner and the registrar of vital statistics shall
30 maintain sufficient documentation, as prescribed by the commissioner,
31 to support amendments and shall ensure the confidentiality of such
32 documentation as required by law. The date of amendment and a
33 summary description of the evidence submitted in support of the
34 amendment shall be endorsed on or made part of the record and the
35 original certificate shall be marked "Amended", except for amendments
36 due to parentage or gender change. When the registrar of the town in
37 which the vital event occurred amends a certificate, such registrar shall,
38 within ten days of making such amendment, forward an amended
39 certificate to the commissioner and to any registrar having a copy of the
40 certificate. When the commissioner amends a birth certificate, including
41 changes due to parentage or gender, the commissioner shall forward an
42 amended certificate to the registrars of vital statistics affected and their
43 records shall be amended accordingly.

44 (c) An amended certificate shall supersede the original certificate that
45 has been changed and shall be marked "Amended", except for
46 amendments due to parentage or gender change. The original certificate

47 in the case of parentage or gender change shall be physically or
48 electronically sealed and kept in a confidential file by the department
49 and the registrar of any town in which the birth was recorded, and may
50 be unsealed for issuance only as provided in section 7-53 with regard to
51 an original birth certificate or upon a written order of a court of
52 competent jurisdiction. The amended certificate shall become the official
53 record.

54 (d) (1) Upon receipt of (A) an acknowledgment of paternity executed
55 in accordance with the provisions of subsection (a) of section 46b-172 by
56 both parents of a child born out of wedlock, or (B) a certified copy of an
57 order of a court of competent jurisdiction establishing the paternity of a
58 child born out of wedlock, the commissioner shall include on or amend,
59 as appropriate, such child's birth certificate to show such paternity if
60 paternity is not already shown on such birth certificate and to change
61 the name of the child under eighteen years of age if so indicated on the
62 acknowledgment of paternity form or within the certified court order as
63 part of the paternity action. If a person who is the subject of a voluntary
64 acknowledgment of paternity, as described in this subdivision, is
65 eighteen years of age or older, the commissioner shall obtain a notarized
66 affidavit from such person affirming that he or she agrees to the
67 commissioner's amendment of such person's birth certificate as such
68 amendment relates to the acknowledgment of paternity. The
69 commissioner shall amend the birth certificate for an adult child to
70 change his or her name only pursuant to a court order.

71 (2) If another father is listed on the birth certificate, the commissioner
72 shall not remove or replace the father's information unless presented
73 with a certified court order that meets the requirements specified in
74 section 7-50, or upon the proper filing of a rescission, in accordance with
75 the provisions of section 46b-172. The commissioner shall thereafter
76 amend such child's birth certificate to remove or change the father's
77 name and to change the name of the child, as requested at the time of
78 the filing of a rescission, in accordance with the provisions of section
79 46b-172. Birth certificates amended under this subsection shall not be
80 marked "Amended".

81 (e) When the parent or parents of a child request the amendment of
82 the child's birth certificate to reflect a new mother's name because the
83 name on the original certificate is fictitious, such parent or parents shall
84 obtain an order of a court of competent jurisdiction declaring the
85 putative mother to be the child's mother. Upon receipt of a certified copy
86 of such order, the department shall amend the child's birth certificate to
87 reflect the mother's true name.

88 (f) Upon receipt of a certified copy of an order of a court of competent
89 jurisdiction changing the name of a person born in this state and upon
90 request of such person or such person's parents, guardian, or legal
91 representative, the commissioner or the registrar of vital statistics of the
92 town in which the vital event occurred shall amend the birth certificate
93 to show the new name by a method prescribed by the department.

94 (g) When an applicant submits the documentation required by the
95 regulations to amend a vital record, the commissioner shall hold a
96 hearing, in accordance with chapter 54, if the commissioner has
97 reasonable cause to doubt the validity or adequacy of such
98 documentation.

99 (h) When an amendment under this section involves the changing of
100 existing language on a death certificate due to an error pertaining to the
101 cause of death, the death certificate shall be amended in such a manner
102 that the original language is still visible. A copy of the death certificate
103 shall be made. The original death certificate shall be sealed and kept in
104 a confidential file at the department and only the commissioner may
105 order it unsealed. The copy shall be amended in such a manner that the
106 language to be changed is no longer visible. The copy shall be a public
107 document.

108 (i) The commissioner shall issue a new birth certificate to reflect a
109 gender change upon receipt of the following documents submitted in
110 the form and manner prescribed by the commissioner: (1) A written
111 request from the applicant, signed under penalty of law, for a
112 replacement birth certificate to reflect that the applicant's gender differs
113 from the sex designated on the original birth certificate; (2) a notarized

114 affidavit by a physician licensed pursuant to chapter 370 or holding a
115 current license in good standing in another state, an advanced practice
116 registered nurse licensed pursuant to chapter 378 or holding a current
117 license in good standing in another state, or a psychologist licensed
118 pursuant to chapter 383 or holding a current license in good standing in
119 another state, stating that the applicant has undergone surgical,
120 hormonal or other treatment clinically appropriate for the applicant for
121 the purpose of gender transition; and (3) if an applicant is also
122 requesting a change of name listed on the original birth certificate, proof
123 of a legal name change. The new birth certificate shall reflect the new
124 gender identity by way of a change in the sex designation on the original
125 birth certificate and, if applicable, the legal name change.

126 (j) The commissioner shall issue a new marriage certificate to reflect
127 a gender change upon receipt of the following documents submitted in
128 the form and manner prescribed by the commissioner: (1) A written
129 request from the applicant, signed under penalty of law, for a
130 replacement marriage certificate to reflect that the applicant's gender
131 differs from the sex designated on the original marriage certificate,
132 along with an affirmation that the marriage is still legally intact; (2) a
133 notarized statement from the spouse named on the marriage certificate
134 to be amended, consenting to the amendment; (3) a notarized affidavit
135 by a physician licensed pursuant to chapter 370 or holding a current
136 license in good standing in another state, an advanced practice
137 registered nurse licensed pursuant to chapter 378 or holding a current
138 license in good standing in another state, or a psychologist licensed
139 pursuant to chapter 383 or holding a current license in good standing in
140 another state, stating that the applicant has undergone surgical,
141 hormonal or other treatment clinically appropriate for the applicant for
142 the purpose of gender transition; and (4) if an applicant is also
143 requesting a change of name listed on the original marriage certificate,
144 proof of a legal name change. The new marriage certificate shall reflect
145 the new gender identity by way of a change in the sex designation on
146 the original marriage certificate and, if applicable, the legal name
147 change.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	7-36(10)
Sec. 2	<i>October 1, 2021</i>	19a-42

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

This bill allows people who have undergone surgical, hormonal, or other clinically appropriate treatment for gender transition to change the gender designation and name on their marriage certificate. This has no fiscal impact as the Department of Public Health has the staff expertise to handle the issuing of new marriage certificates.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 6549****AN ACT CONCERNING AMENDMENTS TO MARRIAGE CERTIFICATES.****SUMMARY**

This bill allows people who have undergone surgical, hormonal, or other clinically appropriate treatment for gender transition to change the gender designation and name on their marriage certificate.

Specifically, the bill requires the Department of Public Health (DPH) commissioner to issue a new marriage certificate to a person who:

1. requests in writing, signed under penalty of law, a replacement marriage certificate that reflects a gender different from the sex designated on their original certificate, along with an affirmation that the couple is still married;
2. provides a notarized statement from the person's spouse, consenting to the amendment;
3. provides a notarized affidavit from a physician, advanced practice registered nurse, or psychologist (whether licensed in Connecticut or another state) stating that the applicant has undergone surgical, hormonal, or other clinically appropriate treatment for gender transition; and
4. provides, if applicable, proof of a legal name change.

The bill generally extends to these amended marriage certificates existing procedures for amended birth certificates reflecting gender change (e.g., allowing only the DPH commissioner, and not local registrars, to amend the certificate, and providing that the replacement certificate is not marked "amended").

The bill also makes conforming changes.

EFFECTIVE DATE: October 1, 2021

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/26/2021)