

House Bill 1689

By: Representative Cannon of the 58th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital
2 records, so as to expand the ways in which an individual may get their sex designation
3 amended on their birth certificate; to provide that a birth certificate amended on the basis of
4 sex designation shall not indicate on the certificate that it has been amended; to amend
5 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to
6 issuance, expiration, and renewal of licenses, so as to provide for ways in which an
7 individual may get their sex designation amended on their driver's license; to provide for
8 related matters; to provide for an effective date and applicability; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records,
13 is amended by revising Code Section 31-10-23, relating to amendments of certificates or
14 reports, as follows:

15 "31-10-23.

16 (a) Unless otherwise specified by law, a certificate or report registered under this chapter
17 may be amended in accordance with this chapter and regulations adopted by the department
18 to protect the integrity and accuracy of vital records. Such regulations shall specify the
19 minimum evidence required for a change in any certificate or report. Amendments to birth
20 certificates, death certificates, and application supplement-marriage reports shall be
21 completed by the department and a copy mailed to the proper local custodian, if any.
22 Amendments to applications for a marriage license or the license shall be completed by the
23 judge of the probate court of the county in which the license was issued. An amendment
24 to divorce reports shall be completed by the clerk of the superior court of the county in
25 which the decree was granted.

26 (b) A certificate or report that is amended under this Code section shall be marked
27 'amended,' except as otherwise provided in this Code section. The date of amendment and
28 a summary description of the evidence submitted in support of the amendment shall be
29 endorsed on or made a part of the record. The department shall prescribe by regulation the
30 conditions under which additions or minor corrections may be made to certificates or
31 records within one year after the date of the event without the certificate or record being
32 marked 'amended.'

33 (c)(1) Upon receipt of a certified copy of an order to legitimate a child, or an affidavit
34 signed by the natural parents whose marriage had legitimated a child, the director shall
35 register a new birth certificate if paternity was not shown on the original certificate. Such
36 certificate shall not be marked 'amended.'

37 (2) If paternity was shown on the original certificate, the record can be changed only by
38 an order from a court of competent jurisdiction or the Office of State Administrative
39 Hearings to remove the name of the person shown on the certificate as the father and to
40 add the name of the natural father and to show the child as the legitimate child of the

person so named. The order must specify the name to be removed and the name to be added.

(3) Certificates or reports amended under this chapter to reflect that an individual's sex has changed shall not be marked 'amended.'

(d) Upon receipt of a certified copy of an order from a superior court, probate court, or other court of competent jurisdiction changing the name of a person born in this state and upon request of such person or such person's parents, guardian, temporary guardian, or legal representative, the state registrar shall amend the certificate of birth to show the new name. When the names of the parent or parents and the child are changed, the state registrar may register a new certificate if requested by the parents, guardian, temporary guardian, or legal representative. Such new certificate shall be marked 'amended.'

~~(e) Upon receipt of a certified copy of a court order indicating the sex of an individual born in this state has been changed by surgical procedure and that such individual's name has been changed, the certificate of birth of such individual shall be amended as prescribed by regulation.~~ The state registrar shall amend the sex designation on an individual's certificate of birth upon receipt of documentation that provides proof that one of the following has occurred:

(1) A licensed provider, to include a treating physician, psychologist, registered nurse, or social worker, has determined that the individual's sex designation should be changed because the individual has undergone treatment appropriate for the purpose of sex transition or has been diagnosed with intersex condition; or

(2) A court of competent jurisdiction has issued an order indicating that the sex of an individual has been changed.

(f) An order from a superior court or probate court shall be required to change the year of birth shown on the original birth certificate by more than one year or to correct any item on a delayed birth certificate, or to remove the name of a father from a birth certificate on file. The person seeking such change, correction, or removal shall institute the proceeding

by filing a petition with the appropriate court in the county of residence for an order changing the year of birth, correcting a delayed birth certificate, or removing the name of the father from a birth certificate on file. Such petition shall set forth the reasons therefor and shall be accompanied by all available documentary evidence. The court shall set a date for hearing the petition and shall give the state registrar at least ten days' notice of said hearing. The state registrar or the authorized representative thereof may appear and testify in the proceeding. If the court from the evidence presented finds that such change, correction, or removal should be made, the judge shall issue an order setting out the change to be made and the date of the court's action. The clerk of such court shall forward the petition and order to the state registrar not later than the tenth day of the calendar month following the month in which said order was entered. Such order shall be registered by the state registrar and the change so ordered shall be made.

(g) When an applicant does not submit the minimum documentation required in the regulations for amending a vital record or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence and if the deficiencies are not corrected, the state registrar shall not amend the vital record and shall advise the applicant of the reason for this action and shall further advise the applicant of the right of judicial appeal.

(h) When a certificate or report is amended under this Code section, the state registrar shall report the amendment to the proper local custodian and their record shall be amended accordingly."

SECTION 2.

Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of licenses, is amended by adding a new Code section to read as follows:

93 "40-5-33.1.

94 The department shall issue an updated license with a change of sex designation upon
95 receipt of proof of one of the following:

96 (1) A licensed provider, to include a treating physician, psychologist, registered nurse,
97 or social worker, has determined that the individual's sex designation should be changed
98 because the individual has undergone treatment appropriate for the purpose of sex
99 transition or has been diagnosed with intersex condition; or

100 (2) A court of competent jurisdiction has issued an order indicating that the sex of an
101 individual has been changed."

102 **SECTION 3.**

103 This Act shall become effective upon its approval by the Governor or upon its becoming law
104 without such approval and shall apply to all applications submitted for amendments to
105 certificates and reports on or after January 1, 2023.

106 **SECTION 4.**

107 All laws and parts of laws in conflict with this Act are repealed.