

**TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE**

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2021

H. B. 22- 86

A BILL FOR AN ACT

To amend 1 CMC Section 26018 Amendment of Vital Records.

**BE IT ENACTED BY THE 22ND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The CNMI's current Vital Statistics
2 Act, based on outdated Model Statistics Act language from the 1990s, imposes an
3 unreasonable burden on transgender individuals seeking to alter the gender
4 designation on their birth certificates. The current law's requirement of a court
5 order and a surgical procedure does not comport with current medical advice,
6 standards, and best practices. The current law also fails to provide adequate privacy
7 protections, creating a risk of stigma for marginalized people. Further, the old law
8 envisions regulations to be promulgated by the Health and Vital Statistics Office to
9 fill in the procedural gaps. This is not practical, since responsibilities of the
10 Department of Public Health in place at the time of enactment of the Vital Statistics
11 Act have since been folded into the Commonwealth Healthcare Corporation.

12 Accordingly, this bill provides robust privacy protections for individuals
13 seeking to match their birth certificate gender designation to their gender identity.

1 It removes the onerous and burdensome requirement of a surgical procedure, which
2 does not reflect current medical advice and best practices. Additionally, the bill
3 removes the requirement of a court order, removing the risk of judicial inexperience
4 in this area of health. It also spells out the procedure in detail, obviating the need
5 for future promulgation of regulations that may be impractical in view of the
6 reorganization of the executive branch departments.

7 **Section 2. Amendment.** Title 1, Division 2, Section 26018 of the
8 Commonwealth Code is hereby amended to read as follows:

9 “§ 26018. Amendment of Vital Records.

10 (a) A certificate or report registered under this Act may be amended only in
11 accordance with this Act and regulations adopted by the Health and Vital Statistics
12 Office ~~State Agency~~ to protect the integrity and accuracy of vital records.

13 (b) A certificate or report that is amended under this section shall indicate
14 that it has been amended, except as otherwise provided in this section or by
15 regulation. A record shall be maintained which identifies the evidence upon which
16 the amendment was based, the date of the amendment, and the identity of the person
17 making the amendment. The Health and Vital Statistics Office ~~State Agency~~ shall
18 prescribe by regulation the conditions under which additions or minor corrections
19 may be made to certificates or records within one year of the event without the
20 certificate or record indicating that it has been amended.

1 (c) Upon receipt of a certified copy of an order of the CNMI Superior Court
 2 changing the name of a person born in the CNMI and upon request of such person
 3 or such person's ~~his or her~~ parents, guardian, or legal representative, the Registrar
 4 shall amend the certificate of birth of such individual to show the new name.

5 (d) Changes to Birth Certificate Related to a Change of Gender. ~~Upon~~
 6 ~~receipt of a certified copy of an order of the CNMI Superior Court indicating the~~
 7 ~~sex of an individual born in the CNMI has been changed by surgical procedure and~~
 8 ~~whether such individual's name has been changed, the certificate of birth of such~~
 9 ~~individual shall be amended as prescribed by regulation.~~

10 (1) The Registrar shall issue a new birth certificate to a person who
 11 was born in the CNMI and who has a gender different from the gender
 12 denoted on that person's birth certificate when the Registrar receives:

13 i) A written request by the registrant or the registrant's
 14 parents, guardian, or legal representative signed under
 15 penalty of law, that the Registrar issue a birth certificate with
 16 a gender designation that differs from the gender designated
 17 on the registrant's original birth certificate; and

18 ii) If the registrant or the registrant's legal representative is
 19 also requesting a name change on the certificate, an original
 20 or certified copy of a name change order issued by the CNMI
 21 Superior Court.

1 (2) The Registrar shall not request any additional information or
2 records. The Registrar shall not disclose information related to a gender
3 correction, including to other government employees, unless required in
4 order to conduct official business.

5 (3) When the Registrar receives the documentation described in
6 subsection (1) of this section, the Registrar shall issue a new birth certificate
7 reflecting the new gender designation and, if applicable, new name of the
8 registrant. The new birth certificate supersedes the original as the official
9 public record. The new certificate shall not be marked as amended and shall
10 in no way disclose the original information. When such a birth certificate is
11 issued, the Registrar shall cause the registrant's original birth certificate and
12 all documentation received pursuant to subsection (1) of the section to be
13 placed under seal and kept in a confidential file. The Registrar shall provide
14 access to the original birth certificate and/or documentation received
15 pursuant to subsection (1) of this section only upon order of the CNMI
16 Superior Court or written request of the registrant.

17 (4) The Registrar shall issue, upon request, a new birth certificate
18 reflecting the new gender designation or new name (or as previously
19 amended), and shall seal relevant records, as described in subsection (3) in
20 these additional circumstances:

- 1 (i) when a birth certificate is amended to reflect a change in
2 gender designation at any point in time after that birth
3 certificate has been amended to reflect a name change;
4 (ii) when a birth certificate is amended to reflect a name
5 change at any point in time after the birth certificate has been
6 amended to reflect a change in gender designation, or
7 (iii) if a person holds an amended birth certificate related to
8 change of gender and/or name issued under a previous
9 version of this section.

10 (5) In the case of a person who is a resident of the CNMI and was
11 born in another jurisdiction, if such other jurisdiction requires a court decree
12 in order to amend a birth certificate to reflect a change in gender, the CNMI
13 Superior Court shall have jurisdiction to issue such a decree.

14 (e) When an applicant does not submit the minimum documentation
15 required in the regulations for amending a vital record or when the Registrar has
16 cause to question the validity or adequacy of the applicant's sworn statements or
17 the documentary evidence, and if the deficiencies are not corrected, the Registrar
18 shall not amend the vital record and shall advise the applicant of the reason for this
19 action and shall further advise the applicant of the right of appeal to the CNMI
20 Superior Court.

1 (f) When a certificate or report is amended under this section by the
2 Registrar, the Registrar shall report the amendment to any other custodian of the
3 vital record and their record shall be amended accordingly.”

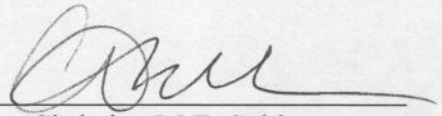
4 **Section 3. Severability.** If any provisions of this Act or the application of
5 any such provision to any person or circumstance should be held invalid by a court
6 of competent jurisdiction, the remainder of this Act or the application of its
7 provisions to persons or circumstances other than those to which it is held invalid
8 shall not be affected thereby.

9 **Section 4. Savings Clause.** This Act and any repealer contained herein shall
10 not be construed as affecting any existing right acquired under contract or acquired
11 under statutes repealed or under any rule, regulation, or order adopted under the
12 statutes. Repealers contained in this Act shall not affect any proceeding instituted
13 under or pursuant to prior law. The enactment of the Act shall not have the effect
14 of terminating, or in any way modifying, any liability, civil or criminal, which shall
15 already be in existence on the date this Act becomes effective.

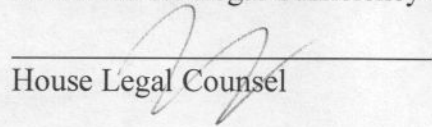
16 **Section 5. Effective Date.** This Act shall take effect upon its approval by
17 the Governor, or its becoming law without such approval.

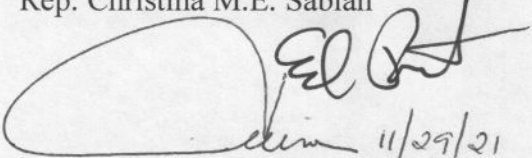
Prefiled: 12/2/2021

Date: 12/2/2021 Introduced by:

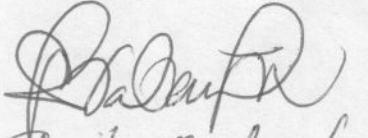

Rep. Christina M.E. Sablan

Reviewed for Legal Sufficiency by:


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 11/29/21


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