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SENATE BILL 120

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Jacob R. Candelaria

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
[bracketed material] = delete

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 the following, the certificate
15 of birth of the individual shall be amended as prescribed by
16 department rules; provided that the vital record shall not be
17 marked "amended":

18 (1) a ~~[statement]~~ form prescribed by the
19 registrar indicating that, based on the provider's opinion and
20 in accordance with contemporary professional standards, the
21 individual's sex designation should be changed, signed under
22 penalty of perjury by the person in charge of an institution or
23 ~~[from the attending physician indicating that the sex of an~~
24 ~~individual born in this state has been changed by surgical~~
25 ~~procedure, together with]~~ a licensed medical or mental health

underscored material = new
[bracketed material] = delete

1 care provider; and

2 (2) if applicable, a certified copy of [~~an~~] a
3 court order changing the name of the [~~person, the certificate~~
4 ~~of birth of the~~] individual [~~shall be amended as prescribed by~~
5 ~~regulation~~].

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

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