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

C. Upon request and receipt of an acknowledgment of paternity signed under penalty of perjury by both parents of a child born to an unmarried mother or, in the case of a married mother, upon receipt of an acknowledgment of paternity signed under penalty of perjury by the mother and the non-husband and of a denial of paternity signed under

1 penalty of perjury by the husband, the state registrar shall  
2 amend a certificate of birth to show the paternity if  
3 paternity is not shown on the birth certificate. The  
4 certificate of birth shall not be marked "amended".

5 D. Upon receipt of a statement signed under  
6 penalty of perjury by an individual born in this state, or  
7 the individual's parent, guardian or legal representative,  
8 indicating the gender identity of the individual, together  
9 with a certified copy of an order changing the name of the  
10 individual, if applicable, the certificate of birth of the  
11 individual shall be reissued to reflect a designation of  
12 male, female or X, as prescribed by regulation. The  
13 certificate of birth shall not be marked "amended" pursuant  
14 to Subsection F of this section.

15 E. When an applicant does not submit the minimum  
16 documentation required in the regulations for amending a  
17 vital record or when the state registrar has reasonable cause  
18 to question the validity or adequacy of the applicant's  
19 statements or statements made under penalty of perjury or the  
20 documentary evidence and if the deficiencies are not  
21 corrected, the state registrar shall not amend the vital  
22 records and shall advise the applicant of the reason for this  
23 action.

24 F. A certificate or report that is amended under  
25 this section shall be marked "amended", except as otherwise

1 provided in Subsections C and D of this section. The date of  
2 the amendment and a summary description of the evidence  
3 submitted in support of the amendment shall be endorsed on or  
4 made a part of the record. The department shall prescribe by  
5 regulation the conditions under which additions or minor  
6 corrections may be made to certificates or records within one  
7 year after the date of the event without the certificate or  
8 record being marked "amended".

9 G. For the purposes of this section, "X" refers to  
10 a gender other than male or female or an, undesignated  
11 gender." \_\_\_\_\_

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