



movement advancement project ▶

Identity Document Laws and Policies: Birth Certificate

No updates required since April 10, 2019

Alabama

- State requires proof of surgery in order to change gender marker
- See [Alabama Code § 22-9A-19\(d\)](#) (1992) or [Form ADPH-HS-33](#)

Alaska

- State is unclear regarding surgical/clinical requirements and/or may require a court order to change gender marker
- See [Alaska Stat. § 7 AAC 05.875](#) or [Birth Certificate Request Form](#)

Arizona

- State requires proof of surgery in order to change gender marker
- See [Ariz. Rev. Stat. § 36-337 \(A\)\(3\)](#) (2006)

Arkansas

- State requires proof of surgery in order to change gender marker
- See [Ark. Code Ann. §§ 20-18-307, 20-18-304, 20-18-305](#) (1995)

California

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- State allows individuals to identify as non-binary on birth certificate
- See [Hlth. and Safety Code, §§ 103425-103445](#) (2014) and [Form VS 24](#)

Colorado

- State requires proof of surgery in order to change gender marker
- See [C.R.S.A. § 25-2-115, 25-2-117](#) and [Colorado Department of Public Health](#)

Connecticut

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [Conn. Gen. Stat. § 7-51](#) (2012)



Delaware

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [Del. Administrative code Tit 16 § 4205 \(2017\)](#).

District of Columbia

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [D.C. Code Ann. § 7-217 \(d\) \(2013\)](#) or [Gender Designation Form](#).

Florida

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See <https://www.floridanamechange.org> (2018).

Georgia

- State requires proof of surgery in order to change gender marker
- See [Ga. Code Ann. § 31-10-23\(e\) \(2005\)](#)

Hawaii

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [Haw. Rev. Stat. Ann. § 338-17.7\(a\)\(4\)\(B\) \(2015\)](#)

Idaho

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [Idaho Gender Change Packet \(2018\)](#).
- See [F.V. v. Barron, \(March 5, 2018\)](#) requiring Idaho Department of Health and Welfare to develop and implement a policy for issuing accurate birth certificates.

Illinois

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [Illinois Vital Records Act \(2017\)](#)

Indiana

- State is unclear regarding surgical/clinical requirements and/or may require a court order to change gender marker
- See [Ind. Code Ann. § 16-37-2-10\(b\) \(2006\)](#)



Iowa

- State requires proof of surgery in order to change gender marker
- See [Iowa Code Ann. § 144.23\(3\) \(2004\)](#)

Kansas

- State is unclear regarding surgical/clinical requirements and/or may require a court order to change gender marker
- See [K.S.A. § 65-2422c \(2009\)](#) and [K.A.R. § 28-17-20 \(b\)\(1\)\(A\)\(i\) \(2009\)](#)

Kentucky

- State requires proof of surgery in order to change gender marker
- See [Ky. Rev. Stat. Ann. § 213.121\(5\) \(2005\)](#)

Louisiana

- State requires proof of surgery in order to change gender marker
- See [La. Rev. Stat. Ann. § 40:62 \(2006\)](#)

Maine

- State requires proof of surgery in order to change gender marker
- See [Me. Rev. Stat. Ann. tit 22, § 2705 \(2005\)](#)

Maryland

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [Md. Code Ann, \[Health - Gen.\] § 4-214\(b\)\(5\) \(2006\)](#)

Massachusetts

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [Mass Gen. Laws Ann. ch. 46, § 13\(e\) \(2006\)](#)

Michigan

- State requires proof of surgery in order to change gender marker
- See [Mich. Comp. Laws Ann. § 333.2831\(c\) \(2006\)](#)

Minnesota

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [Minn. Stat. Ann. § 144.218 \(2006\)](#) and [Minn. Rules 4601.1100 \(2006\)](#)



Mississippi

- State is unclear regarding surgical/clinical requirements and/or may require a court order to change gender marker
- See [Miss. Code Ann. § 41-57-21 \(2006\)](#)

Missouri

- State requires proof of surgery in order to change gender marker
- See [Mo. Ann. Stat. § 193.215\(9\) \(2006\)](#)

Montana

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [Montana Rule: 37.8.311 \(2017\)](#)

Nebraska

- State requires proof of surgery in order to change gender marker
- See [Neb. Rev. Stat. § 71-604.01 \(2005\)](#)

Nevada

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [Nev. Admin. Code. Ch. 440, § 130 \(2006\)](#)

New Hampshire

- State requires burdensome proof of clinical treatment and/or other updated identity document in order to change gender marker. Does not require surgery
- See [NH RSA 5-C:87](#)

New Jersey

- Effective July 1, 2019, State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- Effective July 1, 2019, State allows individuals to identify as non-binary on birth certificate
- See [N.J. Stat. Ann. § 26:8-40.12 \(2013\)](#) and [N.J. S478 \(2018\)](#).



New Mexico

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- State allows individuals to identify as non-binary on birth certificate
- See [S.B.20 \(2019\)](#).
- Formerly required proof of surgery. See [N.M. Stat. Ann. § 24-14-25\(D\) \(2006\)](#)

New York

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [N.Y. Comp. Codes R. & Regs. Tit 10, § 35.2 \(2014\)](#)

North Carolina

- State requires proof of surgery in order to change gender marker
- See [N.C. Gen. Stat. §§ 130A-118\(b\)\(4\), \(e\) \(2005\)](#)

North Dakota

- State requires proof of surgery in order to change gender marker
- [N.D. Cent. Code § 23-02.1-25 \(2005\)](#) and [N.D. Admin. Code § 33-04-12-02 \(2006\)](#)

Ohio

- State has unclear, unknown or unwritten policy regarding gender marker changes
- Currently, state is [refusing to change gender markers even under court order](#)

Oklahoma

- State has unclear, unknown or unwritten policy regarding gender marker changes

Oregon

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- State allows individuals to identify as non-binary on birth certificate
- See [HB 2673 \(2017\)](#).

Pennsylvania

- State is unclear regarding surgical/clinical requirements and/or may require a court order to change gender marker
- See [35 Penn. Stat. § 450.603 \(2005\)](#)



Rhode Island

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [R.I. Gen. Laws § 23-3-21 \(2005\)](#) and R.I. Code R. 14 170 001 §§ 35-37(2004)

South Carolina

- State has unclear, unknown or unwritten policy regarding gender marker changes
- See [S.C. Code Ann. § 44-63-150 \(2005\)](#) and S.C. Code Ann. Regs. 61-19(2006)

South Dakota

- State is unclear regarding surgical/clinical requirements and/or may require a court order to change gender marker
- See [S.D. Admin. R. 44:09:05:02; 44:09:05:09\(4\)](#)

Tennessee

- State does not allow for amending the gender marker on the birth certificate
- See [Tenn. Code Ann. § 68-3-203\(d\) \(2006\)](#)

Texas

- State has unclear, unknown or unwritten policy regarding gender marker changes

Utah

- State is unclear regarding surgical/clinical requirements and/or may require a court order to change gender marker
- State allows individuals to identify as non-binary on birth certificate
- See [Utah Code Ann. § 26-2-11 \(2004\)](#)

Vermont

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [18 Vt. Stat. § 5112 \(2011\)](#)

Virginia

- State requires proof of surgery in order to change gender marker
- See [Va. Code Ann. § 32.1-269\(E\) \(2006\)](#) and [12 Va. Admin. Code § 5-550-320\(2006\)](#)



Washington

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See the [Washington Department of Health's policy](#)

West Virginia

- State is unclear regarding surgical/clinical requirements and/or may require a court order to change gender marker
- See [W. Va. Code § 16-5-25 \(2006\)](#) and [W. Va. Code St. R. § 64-32-12 \(2006\)](#)

Wisconsin

- State requires proof of surgery in order to change gender marker
- See [Wis. Stat. Ann. § 69.15 \(2006\)](#)

Wyoming

- State is unclear regarding surgical/clinical requirements and/or may require a court order to change gender marker
- See [Wyo. Stat. Ann. § 35-1-424 \(2005\)](#) and [WY Rules and Regulations HLTH VR Ch. 10 s 4\(e\)\(iii\) \(2004\)](#)