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Identity Document Laws and Policies: Birth Certificates

No updates required since August 10, 2019

MAP relies on the research conducted by the National Center for Transgender Equality (NCTE) for this map and the statutes found below. For more information about each state's process and requirements, see NCTE's [ID Documents Center](#).

Alabama

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

Alaska

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [Department of Vital Records Gender Change Policy](#)

Arizona

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

Arkansas

- State requires proof of sex reassignment 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 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 [H.B. 19-1039](#) (2019) and Department of Public Health's [Birth Certificate Gender Change Information](#)



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 sex reassignment 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 \(2018\)](#). *F.V. v. Barron* (2018) required Idaho's 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 sex reassignment surgery in order to change gender marker
- See [Iowa Code Ann. § 144.23\(3\) \(2004\)](#)

Kansas

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [consent judgment in *Foster v. Andersen* \(2019\)](#)

Kentucky

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

Louisiana

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

Maine

- State requires proof of sex reassignment 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 sex reassignment 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 sex reassignment 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 sex reassignment 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 proof of sex reassignment surgery in order to change gender marker
- See [NH RSA 5-C:87](#)

New Jersey

- 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 [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 sex reassignment surgery.

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

North Dakota

- State requires proof of sex reassignment 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, and is currently [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 issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [Pennsylvania Department of Health policy](#) and [Birth Certificate Correction Form](#)



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 [NCTE for more information](#).

South Dakota

- State has unclear, unknown, or unwritten policy regarding gender marker changes
- See [S.D. Admin. R. 44:09:05:02](#), or [NCTE for more information](#).

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
- See [NCTE for more information](#).

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 is unclear regarding surgical/clinical requirements and/or may require a court order to change gender marker
- See [18 Vt. Stat. § 5112 \(2011\)](#)

Virginia

- State requires proof of sex reassignment 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
- State allows individuals to identify as non-binary on birth certificate
- 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 sex reassignment 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\(e\)\(iii\) \(2004\)](#)

U.S. Territories

This information is provided by the National Center for Transgender Equality.

- *American Samoa*: [“The High Court of American Samoa has held that the alteration of a birth certificate is granted only to correct information that was erroneous at the time of recordation, or to reflect a name change due to adoption.”](#) NCTE reports anecdotal cases of successfully updating gender markers on birth certificates, but there is no clear policy for doing so.
- *Guam*: [“In order to update the gender marker on a birth certificate, the requestor must provide a sworn statement from the physician having performed the surgery, thus certifying the sex of the requestor has been changed by surgical procedure.”](#)
- *Commonwealth of the Northern Mariana Islands*: [“In order to change a legal name on a birth certificate, the applicant must provide a court order for legal name and gender marker change to the Vital Statistics Office Division of Public Health.”](#)
- *Puerto Rico*: [Can update birth certificate \(2018\)](#)
- *U.S. Virgin Islands*: [No clear or established policy for amending the gender marker on a birth certificate.](#)