Identity Document Laws and Policies: Birth Certificates

No updates required since December 17, 2020

MAP often relies on 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

Arkansas
- State requires proof of sex reassignment surgery in order to change gender marker

California
- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- State allows individuals to mark M, F, or X 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 mark M, F, or X 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
- State allows individuals to mark M, F, or X on birth certificate

Delaware
- State issues new birth certificate and does not require surgery nor court order in order to change gender marker

District of Columbia
- State issues new birth certificate and does not require surgery nor court order in order to change gender marker

Florida
- State issues new birth certificate and does not require surgery nor court order in order to change gender marker

Georgia
- State requires proof of sex reassignment surgery in order to change gender marker

Hawaii
- State issues new birth certificate and does not require surgery nor court order in order to change gender marker

Idaho
- Earlier in 2020, state did not allow for amending the gender marker on the birth certificate. See HB509 (March 2020).
- Prior to HB509, state issued new birth certificate with no requirement or surgery or court order to change gender marker, as a result of F.V. v. Barron (2018) which required Idaho’s Department of Health and Welfare to develop and implement a policy for issuing accurate birth certificates. See Idaho Gender Change Packet (2018).
Illinois
- State issues new birth certificate and does not require surgery nor court order in order to change gender marker (2017)
- State allows individuals to mark M, F, or X on birth certificate (2020)
- See Illinois Vital Records Act (2017) and Illinois Department of Public Health forms

Indiana
- State is unclear regarding surgical/clinical requirements and/or may require a court order to change gender marker

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

Louisiana
- State requires proof of sex reassignment surgery in order to change gender marker

Maine
- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- State allows individuals to mark M, F, or X on birth certificate
- See Maine Department of Health and Human Services 10-146 CMR ch. 16 (2020)

Maryland
- State issues new birth certificate and does not require surgery nor court order in order to change gender marker

Massachusetts
- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
Michigan
- State requires proof of sex reassignment surgery in order to change gender marker

Minnesota
- State issues new birth certificate and does not require surgery nor court order in order to change gender marker

Mississippi
- State is unclear regarding surgical/clinical requirements and/or may require a court order to change gender marker
- See Miss. Admin. Code 15-5-85:3.21

Missouri
- State requires proof of sex reassignment surgery in order to change gender marker

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

Nevada
- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- State allows individuals to mark M, F, or X on birth certificate

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 mark M, F, or X on birth certificate
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 mark M, F, or X on birth certificate

New York
- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- State allows individuals to mark M, F, or X on birth certificate (2020)
- See N.Y. Comp. Codes R. & Regs. Tit 10, § 35.2 (2014) and DOH’s Gender Designation Corrections information, “including requests for non-binary gender designations”

North Carolina
- State requires proof of sex reassignment surgery in order to change gender marker

North Dakota
- State requires proof of sex reassignment surgery in order to change gender marker

Ohio
- State has unclear, unknown or unwritten policy regarding gender marker changes [pending potential updates following Dec 2020 court ruling]
- Beginning in 2016, state refused to change gender markers even under court order. This policy was ruled unconstitutional in Ray v. McCloud (Dec 2020). Prior to 2016, state updated gender markers with a court order, consistent with state’s statutory process for other birth certificate changes.

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 mark M, F, or X 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
- State allows individuals to mark M, F, or X on birth certificate (2019)

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

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 mark M, F, or X on birth certificate

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 issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See SB 657 (2020)

Washington

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- State allows individuals to mark M, F, or X 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

Wisconsin
- State requires proof of sex reassignment surgery in order to change gender marker

Wyoming
- State is unclear regarding surgical/clinical requirements and/or may require a court order to change gender marker
  - See WY Rules and Regulations HLTH VR Ch. 10 s 4(e)(iii) (2004)

U.S. Territories

American Samoa:
- State has unclear, unknown, or unwritten policy regarding gender marker changes
  - “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
- State requires proof of sex reassignment surgery in order to change gender marker
  - “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
- State is unclear regarding surgical/clinical requirements and/or may require a court order to change gender marker
  - “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
- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
  - Can update birth certificate (2018)

U.S. Virgin Islands
- State has unclear, unknown, or unwritten policy regarding gender marker changes
  - See NCTE for more information.