



movement advancement project ▶

Identity Document Laws and Policies: Birth Certificates

No updates required since August 17, 2020

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 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
- See [Conn. Gen. Stat. § 7-51](#) (2012), Public Act 15-132 (2015), and [DPH website](#)

Delaware

- State issues new birth certificate and does not require surgery nor court order in order to change gender marker
- See [Del. Administrative Code Title 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. Law 20-37](#) (2013) or [Gender Designation Packet](#) (2014)

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 [F.V. v. Jeppesen](#) (August 2020), overturning HB509.
- 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
- 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 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
- 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. Admin. Code 15-5-85:3.21](#)

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
- State allows individuals to mark M, F, or X on birth certificate
- 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 mark M, F, or X 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 mark M, F, or X 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
- 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
- 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 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)
- 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 mark M, F, or X 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 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
- 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 [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:

- 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.](#)