Identity Document Laws and Policies: Birth Certificates

No updates required since October 1, 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

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 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

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
- 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

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

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

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

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

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
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

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

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, 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
- State allows individuals to identify as non-binary 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 identify as non-binary 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 requires proof of sex reassignment surgery in order to change gender marker
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

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

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.”
- U.S. Virgin Islands: No clear or established policy for amending the gender marker on a birth certificate.