



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1785

by Rep. Gregory Harris

SYNOPSIS AS INTRODUCED:

410 ILCS 535/1
410 ILCS 535/17

from Ch. 111 1/2, par. 73-1
from Ch. 111 1/2, par. 73-17

Amends the Vital Records Act. Defines "intersex condition", "licensed health care professional", and "licensed mental health professional". Changes provisions concerning the issuance of new birth certificates for individuals that have undergone gender transition treatment. Provides that in order to change an individual's sex designation on the individual's birth certificate, a licensed health care professional or licensed mental health professional must make a declaration concerning the treatment. Requires that the licensed health care professional or licensed mental health professional sign and date a specified statement. Provides that newly issued birth certificates may reflect a name change if the documents for a name change are submitted. Changes a reference from "sex change" to "change of sex designation". Provides that following the issuance of a new birth certificate, the individual may request the original certificate and evidence of adoption, paternity, legitimation, or change of sex designation for inspection or certification purposes. Makes corresponding changes.

LRB100 08383 MJP 18492 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Vital Records Act is amended by changing
5 Section 1 and 17 as follows:

6 (410 ILCS 535/1) (from Ch. 111 1/2, par. 73-1)

7 Sec. 1. As used in this Act, unless the context otherwise
8 requires:

9 (1) "Vital records" means records of births, deaths, fetal
10 deaths, marriages, dissolution of marriages, and data related
11 thereto.

12 (2) "System of vital records" includes the registration,
13 collection, preservation, amendment, and certification of
14 vital records, and activities related thereto.

15 (3) "Filing" means the presentation of a certificate,
16 report, or other record provided for in this Act, of a birth,
17 death, fetal death, adoption, marriage, or dissolution of
18 marriage, for registration by the Office of Vital Records.

19 (4) "Registration" means the acceptance by the Office of
20 Vital Records and the incorporation in its official records of
21 certificates, reports, or other records provided for in this
22 Act, of births, deaths, fetal deaths, adoptions, marriages, or
23 dissolution of marriages.

1 (5) "Live birth" means the complete expulsion or extraction
2 from its mother of a product of human conception, irrespective
3 of the duration of pregnancy, which after such separation
4 breathes or shows any other evidence of life such as beating of
5 the heart, pulsation of the umbilical cord, or definite
6 movement of voluntary muscles, whether or not the umbilical
7 cord has been cut or the placenta is attached.

8 (6) "Fetal death" means death prior to the complete
9 expulsion or extraction from its mother of a product of human
10 conception, irrespective of the duration of pregnancy; the
11 death is indicated by the fact that after such separation the
12 fetus does not breathe or show any other evidence of life such
13 as beating of the heart, pulsation of the umbilical cord, or
14 definite movement of voluntary muscles.

15 (7) "Dead body" means a lifeless human body or parts of
16 such body or bones thereof from the state of which it may
17 reasonably be concluded that death has occurred.

18 (8) "Final disposition" means the burial, cremation, or
19 other disposition of a dead human body or fetus or parts
20 thereof.

21 (9) "Physician" means a person licensed to practice
22 medicine in Illinois or any other State.

23 (10) "Institution" means any establishment, public or
24 private, which provides in-patient medical, surgical, or
25 diagnostic care or treatment, or nursing, custodial, or
26 domiciliary care to 2 or more unrelated individuals, or to

1 which persons are committed by law.

2 (11) "Department" means the Department of Public Health of
3 the State of Illinois.

4 (12) "Director" means the Director of the Illinois
5 Department of Public Health.

6 (13) "Licensed health care professional" means a person
7 licensed to practice as a physician, advanced practice nurse,
8 or physician assistant in Illinois or any other state.

9 (14) "Licensed mental health professional" means a person
10 who is licensed or registered to provide mental health services
11 by the Department of Financial and Professional Regulation or a
12 board of registration duly authorized to register or grant
13 licenses to persons engaged in the practice of providing mental
14 health services in Illinois or any other state.

15 (15) "Intersex condition" means a condition in which a
16 person is born with a reproductive or sexual anatomy or
17 chromosome pattern that does not fit typical definitions of
18 male or female.

19 (Source: P.A. 81-230.)

20 (410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

21 Sec. 17. (1) For a person born in this State, the State
22 Registrar of Vital Records shall establish a new certificate of
23 birth when he receives any of the following:

24 (a) A certificate of adoption as provided in Section 16
25 or a certified copy of the order of adoption together with

1 the information necessary to identify the original
2 certificate of birth and to establish the new certificate
3 of birth; except that a new certificate of birth shall not
4 be established if so requested by the court ordering the
5 adoption, the adoptive parents, or the adopted person.

6 (b) A certificate of adoption or a certified copy of
7 the order of adoption entered in a court of competent
8 jurisdiction of any other state or country declaring
9 adopted a child born in the State of Illinois, together
10 with the information necessary to identify the original
11 certificate of birth and to establish the new certificate
12 of birth; except that a new certificate of birth shall not
13 be established if so requested by the court ordering the
14 adoption, the adoptive parents, or the adopted person.

15 (c) A request that a new certificate be established and
16 such evidence as required by regulation proving that such
17 person has been legitimized, or that the circuit court,
18 the Department of Healthcare and Family Services (formerly
19 Illinois Department of Public Aid), or a court or
20 administrative agency of any other state has established
21 the paternity of such a person by judicial or
22 administrative processes or by voluntary acknowledgment,
23 which is accompanied by the social security numbers of all
24 persons determined and presumed to be the parents.

25 (d) A declaration ~~An affidavit~~ by a licensed health
26 care professional or licensed mental health professional

1 who has treated or evaluated a person stating ~~physician~~
2 that ~~the~~ ~~he has performed an operation on a person~~ ~~has~~
3 undergone treatment that is clinically appropriate for
4 that individual for the purpose of gender transition, based
5 on contemporary medical standards, or that the individual
6 has an intersex condition, and that ~~by reason of the~~
7 ~~operation~~ the sex designation on such person's birth record
8 should therefore be changed. The information in the
9 declaration shall be proved by the licensed health care
10 professional or licensed mental health professional
11 signing and dating it in substantially the following form:
12 "I declare (or certify, verify, or state) under penalty of
13 perjury that the foregoing is true and correct. Executed on
14 (date).". The new certificate of birth shall reflect any
15 legal name change, so long as the appropriate documentation
16 of the name change is submitted. ~~The State Registrar of~~
17 ~~Vital Records may make any investigation or require any~~
18 ~~further information he deems necessary.~~

19 Each request for a new certificate of birth shall be
20 accompanied by a fee of \$15 and entitles the applicant to one
21 certification or certified copy of the new certificate. If the
22 request is for additional copies, it shall be accompanied by a
23 fee of \$2 for each additional certification or certified copy.

24 (2) When a new certificate of birth is established, the
25 actual place and date of birth shall be shown; provided, in the
26 case of adoption of a person born in this State by parents who

1 were residents of this State at the time of the birth of the
2 adopted person, the place of birth may be shown as the place of
3 residence of the adoptive parents at the time of such person's
4 birth, if specifically requested by them, and any new
5 certificate of birth established prior to the effective date of
6 this amendatory Act may be corrected accordingly if so
7 requested by the adoptive parents or the adopted person when of
8 legal age. The social security numbers of the parents shall not
9 be recorded on the certificate of birth. The social security
10 numbers may only be used for purposes allowed under federal
11 law. The new certificate shall be substituted for the original
12 certificate of birth:

13 (a) Thereafter, the original certificate and the
14 evidence of adoption, paternity, legitimation, or ~~sex~~
15 change of sex designation shall not be subject to
16 inspection or certification except upon order of the
17 circuit court, request of the person, or as provided by
18 regulation. If the new certificate was issued subsequent to
19 an adoption, the original certificate shall not be subject
20 to inspection until the adopted person has reached the age
21 of 21; thereafter, the original certificate shall be made
22 available as provided by Section 18.1b of the Adoption Act.

23 (b) Upon receipt of notice of annulment of adoption,
24 the original certificate of birth shall be restored to its
25 place in the files, and the new certificate and evidence
26 shall not be subject to inspection or certification except

1 upon order of the circuit court.

2 (3) If no certificate of birth is on file for the person
3 for whom a new certificate is to be established under this
4 Section, a delayed record of birth shall be filed with the
5 State Registrar of Vital Records as provided in Section 14 or
6 Section 15 of this Act before a new certificate of birth is
7 established, except that when the date and place of birth and
8 parentage have been established in the adoption proceedings, a
9 delayed record shall not be required.

10 (4) When a new certificate of birth is established by the
11 State Registrar of Vital Records, all copies of the original
12 certificate of birth in the custody of any custodian of
13 permanent local records in this State shall be transmitted to
14 the State Registrar of Vital Records as directed, and shall be
15 sealed from inspection except as provided by Section 18.1b of
16 the Adoption Act.

17 (5) Nothing in this Section shall be construed to prohibit
18 the amendment of a birth certificate in accordance with
19 subsection (6) of Section 22.

20 (Source: P.A. 97-110, eff. 7-14-11.)