



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB6073

Introduced 2/11/2016, by Rep. Greg 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 "licensed medical or mental health professional" and "intersex condition". 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 their birth certificate, a licensed medical or mental health professional must make a declaration concerning the treatment. Requires that the licensed medical or 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.

LRB099 19168 MJP 43558 b

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 medical or mental health professional"  
7 means a person licensed to practice as a medical or mental  
8 health professional in Illinois or any other state or country.

9 (14) "Intersex condition" means a condition in which a  
10 person is born with a reproductive or sexual anatomy or  
11 chromosome pattern that does not fit typical definitions of  
12 male or female.

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

14 (410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

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

18 (a) A certificate of adoption as provided in Section 16  
19 or a certified copy of the order of adoption together with  
20 the information necessary to identify the original  
21 certificate of birth and to establish the new certificate  
22 of birth; except that a new certificate of birth shall not  
23 be established if so requested by the court ordering the  
24 adoption, the adoptive parents, or the adopted person.

25 (b) A certificate of adoption or a certified copy of

1 the order of adoption entered in a court of competent  
2 jurisdiction of any other state or country declaring  
3 adopted a child born in the State of Illinois, together  
4 with the information necessary to identify the original  
5 certificate of birth and to establish the new certificate  
6 of birth; except that a new certificate of birth shall not  
7 be established if so requested by the court ordering the  
8 adoption, the adoptive parents, or the adopted person.

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

19 (d) A declaration ~~An affidavit~~ by a licensed medical or  
20 mental health professional who has treated or evaluated a  
21 person stating ~~physician that the he has performed an~~  
22 ~~operation on a~~ person has undergone treatment that is  
23 clinically appropriate for that individual for the purpose  
24 of gender transition, based on contemporary medical  
25 standards, or that the individual has an intersex  
26 condition, and that ~~by reason of the operation~~ the sex

1 designation on such person's birth record should therefore  
2 be changed. The information in the declaration shall be  
3 proved by the licensed medical or mental health  
4 professional signing and dating it in substantially the  
5 following form: "I declare (or certify, verify, or state)  
6 under penalty of perjury that the foregoing is true and  
7 correct. Executed on (date).". The new certificate of birth  
8 shall reflect any legal name change, so long as the  
9 appropriate documentation of the name change is submitted.  
10 ~~The State Registrar of Vital Records may make any~~  
11 ~~investigation or require any further information he deems~~  
12 ~~necessary.~~

13 Each request for a new certificate of birth shall be  
14 accompanied by a fee of \$15 and entitles the applicant to one  
15 certification or certified copy of the new certificate. If the  
16 request is for additional copies, it shall be accompanied by a  
17 fee of \$2 for each additional certification or certified copy.

18 (2) When a new certificate of birth is established, the  
19 actual place and date of birth shall be shown; provided, in the  
20 case of adoption of a person born in this State by parents who  
21 were residents of this State at the time of the birth of the  
22 adopted person, the place of birth may be shown as the place of  
23 residence of the adoptive parents at the time of such person's  
24 birth, if specifically requested by them, and any new  
25 certificate of birth established prior to the effective date of  
26 this amendatory Act may be corrected accordingly if so

1 requested by the adoptive parents or the adopted person when of  
2 legal age. The social security numbers of the parents shall not  
3 be recorded on the certificate of birth. The social security  
4 numbers may only be used for purposes allowed under federal  
5 law. The new certificate shall be substituted for the original  
6 certificate of birth:

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

17 (b) Upon receipt of notice of annulment of adoption,  
18 the original certificate of birth shall be restored to its  
19 place in the files, and the new certificate and evidence  
20 shall not be subject to inspection or certification except  
21 upon order of the circuit court.

22 (3) If no certificate of birth is on file for the person  
23 for whom a new certificate is to be established under this  
24 Section, a delayed record of birth shall be filed with the  
25 State Registrar of Vital Records as provided in Section 14 or  
26 Section 15 of this Act before a new certificate of birth is

1 established, except that when the date and place of birth and  
2 parentage have been established in the adoption proceedings, a  
3 delayed record shall not be required.

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

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

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