

SENATE BILL NO. 298

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

1083S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 193.215, RSMo, and to enact in lieu thereof two new sections relating to gender designations on state-issued identity documents.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 193.215, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 1.3000 and 193.215, to read as follows:

1.3000. 1. As used in this section, the following terms mean:

(1) "Biological sex", the biological indication of male or female as determined by sex chromosomes;

(2) "Identity document", any document issued to a person that is commonly used to prove the person's identity;

(3) "State agency", any authority, board, branch, commission, committee, department, division, or other instrumentality of the executive branch of state government.

2. Any identity document issued to a person by a state agency shall contain a gender designation for the person that corresponds to the person's biological sex.

3. A state agency shall not assign or amend a gender designation on any identity document issued to a person on the basis of the person's self-designation, any surgery or procedure performed on the person, any drugs or hormones taken by the person, or any factor other than evidence demonstrating the person's biological sex.

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 4. Any state agency that has previously issued a
20 person an identity document with a gender designation that
21 does not correspond to the person's biological sex shall
22 revoke such identity document and reissue the identity
23 document with the gender designation that corresponds to the
24 person's biological sex.

25 5. The provisions of this section shall not apply to
26 any identity document issued to:

27 (1) Any person born with a medically verifiable
28 disorder of sex development including, but not limited to, a
29 person with external biological sex characteristics that are
30 irresolvably ambiguous and a person having both ovarian and
31 testicular tissue; or

32 (2) Any person who has been diagnosed by a physician
33 with a disorder of sex development and who, based on genetic
34 or biochemical testing, does not have normal sex chromosome
35 structure, sex steroid hormone production, or sex steroid
36 hormone action.

193.215. 1. A certificate or report registered
2 pursuant to sections 193.005 to 193.325 may be amended only
3 pursuant to the provisions of sections 193.005 to 193.325,
4 and regulations adopted by the department.

5 2. A certificate or report that is amended pursuant to
6 this section shall be marked "Amended" except as otherwise
7 provided in this section. The date of amendment and a
8 summary description of the evidence submitted in support of
9 the amendment shall be endorsed on or made part of the
10 record.

11 3. Upon receipt of a certified copy of an order of a
12 court of competent jurisdiction changing the name of a
13 person born in this state and upon request of such person or
14 such person's parents, guardian, or legal representative,

15 the state registrar shall amend the certificate of birth to
16 show the new name. The court order shall include such facts
17 as are necessary to locate and identify the certificate of
18 birth of the person whose name is being changed.

19 4. When an applicant does not submit the minimum
20 documentation required in the regulations for amending a
21 vital record or when the state registrar has reasonable
22 cause to question the validity or adequacy of the
23 applicant's sworn statements or the documentary evidence,
24 and if the deficiencies are not corrected, the state
25 registrar shall not amend the vital record and shall advise
26 the applicant of the reason for this action and the
27 applicant's right of appeal to a court of competent
28 jurisdiction.

29 5. When a certificate or report is amended pursuant to
30 this section, the state registrar shall report the amendment
31 to any other custodians of the vital record and their record
32 shall be amended accordingly.

33 6. Upon written request of both parents and receipt of
34 a sworn acknowledgment of paternity notarized and signed by
35 both parents of a child born out of wedlock, the state
36 registrar shall amend the certificate of birth to show such
37 paternity. The acknowledgment affidavit form shall be
38 developed by the state registrar and shall include the
39 minimum requirements prescribed by the secretary of the
40 Department of Health and Human Services pursuant to 42
41 U.S.C. Section 652(a)(7). The acknowledgment form shall
42 include provisions to allow the parents to change the
43 surname of the child and such surname shall be changed on
44 the birth record if the parents elect to change the child's
45 surname. The signature of the parents shall be notarized or
46 the signature shall be witnessed by at least two

47 disinterested adults whose signatures and addresses shall be
48 plainly written thereon. The form shall be accompanied by
49 oral notice, which may be provided through the use of video
50 or audio equipment, and written notice to the mother and
51 putative father of:

52 (1) The alternatives to, the legal consequences of,
53 and the rights and responsibilities that arise from signing
54 the acknowledgment;

55 (2) The benefits of having the child's paternity
56 established; and

57 (3) The availability of paternity establishment and
58 child support enforcement services. A rescission of
59 acknowledgment form shall be filed with the bureau of vital
60 records pursuant to section 210.823 to vacate the legal
61 finding of paternity. The bureau shall file all rescissions
62 and forward a copy of each to the family support division.
63 The birth record shall only be changed pursuant to this
64 subsection upon an order of the court or the family support
65 division.

66 7. The department shall offer voluntary paternity
67 establishment services.

68 8. Upon receipt of a certified copy of an order of a
69 court of competent jurisdiction changing the name of a
70 person born in this state and upon request of such person or
71 such person's parents, guardian or legal representative, the
72 state registrar shall amend the certificate of birth to show
73 the new name.

74 [9. Upon receipt of a certified copy of an order of a
75 court of competent jurisdiction indicating the sex of an
76 individual born in this state has been changed by surgical
77 procedure and that such individual's name has been changed,

78 the certificate of birth of such individual shall be
79 amended.]

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