

VITAL RECORDS MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill enacts provisions regarding amending vital records.

Highlighted Provisions:

This bill:

- ▶ modifies the rulemaking authority of the Department of Health and Human Services (department) regarding when an error or omission to a vital record may be corrected; and

- ▶ allows the department to issue an amended birth certificate for an individual only if the individual is older than 18 years old.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-2-7, as last amended by Laws of Utah 2022, Chapter 231

26-2-11, as last amended by Laws of Utah 1995, Chapter 202

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-2-7** is amended to read:



28 **26-2-7. Correction of errors or omissions in vital records -- Conflicting birth and**
 29 **foundling certificates -- Rulemaking.**

30 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 31 department may make rules:

32 [(+) (a) governing applications to correct alleged errors or omissions on any vital
 33 record;

34 [(2)] (b) establishing procedures to resolve conflicting birth and foundling certificates;
 35 and

36 [(3)] (c) allowing for the correction and reissuance of a vital record that was originally
 37 created omitting a diacritical mark.

38 (2) The department may correct an error or omission under Subsection (1)(a) if ~~§~~→ **[the**
 39 **correction is made no later than one year from the day the vital record is created.** **the correction is**
 39a **supported by documentary evidence that:**

39b **(a) is deemed sufficient by the department; and**

39c **(b) was created no later than 30 days after the day of the event that led to the creation**
 39d **of the vital record.** ←~~§~~

40 Section 2. Section 26-2-11 is amended to read:

41 **26-2-11. Name or sex change -- Registration of court order and amendment of**
 42 **birth certificate.**

43 (1) [~~When~~] Except as provided under Section 26-2-10 for a supplementary birth
 44 certificate, when a person born in this state has a name change or sex change approved by an
 45 order of a Utah district court or a court of competent jurisdiction of another state or a province
 46 of Canada, a certified copy of the order may be filed with the state registrar with an application
 47 form provided by the registrar.

48 (2) (a) [~~Upon~~] Subject to Subsection (3), upon receipt of the application, a certified
 49 copy of the order, and payment of the required fee, the state registrar shall review the
 50 application, and if complete, register it and note the fact of the amendment on the otherwise
 51 unaltered original certificate.

52 (b) The amendment shall be registered with and become a part of the original
 53 certificate and a certified copy shall be issued to the applicant without additional cost.

54 (3) The state registrar may process an application submitted under this section if the
 55 application is for an individual who is older than 18 years old.