

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1297

(Representatives Kasper, Koppelman, Prichard, Rohr, D. Ruby, M. Ruby, Steiner, VanWinkle)
(Senators Boehm, Clemens, Myrdal)

AN ACT to create and enact a new section to chapter 23-02.1 of the North Dakota Century Code, relating to correction or amendment of birth records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 23-02.1 of the North Dakota Century Code is created and enacted as follows:

Birth records - Amendments and corrections - Sex change.

1. The sex designation on a birth record of an individual born in this state may not be amended under section 23-02.1-25 due to a gender identity change.
2. The sex designation on a birth record of an individual born in this state may not be amended or corrected under section 23-02.1-25 unless:
 - a. The sex of the individual was listed incorrectly on the original birth record as a result of a scrivener's error or data entry error;
 - b. The sex of the individual was misidentified on the original birth record and the request for correction is accompanied by a copy of the results of chromosomal, molecular, karyotypic, DNA, or genetic testing that identifies the sex of the individual, together with an affidavit from the health care facility, health care professional, or laboratory testing facility that conducted the test or analyzed the test results, attesting to the test results and the accuracy of the test results; or
 - c. The sex of the individual was changed with anatomically correct genitalia for the identified sex as certified by a medical provider.
3. As used in this chapter, "sex" means the biological state of being male or female, based on an individual's nonambiguous sex organs, chromosomes, or endogenous hormone profiles at birth.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1297.

House Vote: Yeas 79 Nays 11 Absent 4

Senate Vote: Yeas 43 Nays 4 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State