

August 1, 2023

Liz Fordahl, Counsel
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapter 33-04-12
Correction and Amendment of Vital Records

Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Monday, September 18, 2023, beginning at 1:00 p.m. and continuing until 2:30 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm
Legal Division

JA/rv

cc: Darin Meschke, Vital Records
Tracy Miller, Health Statistics & Performance
Dirk Wilke, Executive Director of Public Health Division

Enclosures

LEGAL

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D. ADMIN. CODE CHAPTER 33-04-12
CORRECTION AND AMENDMENT OF VITAL RECORDS

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 33-04-12 at 1:00 p.m. on Monday, September 18, 2023, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 33-04-12, Correction and Amendment of Vital Records, are being proposed to comply with 2023 House Bill No. 1297.

The proposed changes are as follows:

Section 33-04-12-01 is amended to replace “person” with “individual”.

Section 33-04-12-02 is amended to replace “person” with “individual”. The section is amended to update the process to amend the birth record of an individual who has undergone an acceptable sex reassignment surgery. The section is also amended to provide that the vital records office shall maintain a list of acceptable sex reassignment surgeries that must be routinely reviewed, and to require that the acceptable sex reassignment surgeries must change an individual’s sex with the correct genitalia of the new identified sex and remove the sexual function of the previous sex.

Section 33-04-12-04 is amended to replace “person” with “an individual”.

Section 33-04-12-07 is amended to replace “persons” with “individuals”.

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The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at human service zones and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules, may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Thursday, September 28, 2023.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 1st day of August, 2023.

August 1, 2023

RE: Proposed Amendments to N.D. Admin. Code chapter 33-04-12
Correction and Amendment of Vital Records

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapter 33-04-12, Correction and Amendment of Vital Records. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Thursday, September 28, 2023.

The department has scheduled an oral hearing for Monday, September 18, 2023. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Christopher Jones
Commissioner

CDJ/rv

Enclosures

cc: Liz Fordahl, Legislative Council
Darin Meschke, Vital Records
Tracy Miller, Health Statistics & Performance
Dirk Wilke, Executive Director of Public Health Division

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

COMMISSIONER
Christopher Jones