

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/20/17

A Bill

HOUSE BILL 1894

5 By: Representatives Gates, Lundstrum, K. Hendren, Ballinger, McNair, D. Meeks, Payton
6

For An Act To Be Entitled

8 AN ACT TO REQUIRE THAT BIRTH CERTIFICATES LIST THE
9 BIOLOGICAL SEX OF AN INDIVIDUAL AS DETERMINED AT
10 BIRTH; TO PROHIBIT AMENDMENT OF A BIRTH CERTIFICATE
11 TO CHANGE THE BIOLOGICAL SEX LISTED ON A BIRTH
12 CERTIFICATE; AND FOR OTHER PURPOSES.
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Subtitle

15 TO REQUIRE THAT BIRTH CERTIFICATES LIST
16 THE BIOLOGICAL SEX OF AN INDIVIDUAL AS
17 DETERMINED AT BIRTH; AND TO PROHIBIT
18 AMENDMENT OF A BIRTH CERTIFICATE TO
19 CHANGE THE BIOLOGICAL SEX LISTED ON A
20 BIRTH CERTIFICATE.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 20-18-301, concerning the content of
27 certificates and reports of vital statistics, is amended to add an additional
28 subsection to read as follows:

29 (e)(1) On a birth certificate, the biological sex of an individual
30 shall be listed as either male or female.

31 (2)(A) Except as provided in subdivision (e)(2)(B) of this
32 section, the biological sex of an individual shall be determined at the time
33 of birth based on the genetic code of an individual at birth.

34 (B) For an individual with a genetic disorder or medical
35 condition at the time of birth that makes biological sex difficult to
36 determine, listing of the biological sex of the individual may be delayed up



1 to the fifth birthday of the individual.

2 (C) For an individual with a genetic disorder or medical
3 condition similar to 5-alpha-reductase deficiency that becomes apparent in
4 puberty or later in age, the listing of the biological sex may be amended and
5 a new birth certificate may be issued upon evidence of the genetic disorder
6 or medical condition.

7 (3) The biological sex listed on a birth certificate shall not be
8 amended.

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10 SECTION 2. Arkansas Code § 20-18-307(d), concerning the amendment of
11 vital records and reports, is repealed.

12 ~~(d) Upon receipt of a certified copy of an order of a court of~~
13 ~~competent jurisdiction indicating that the sex of an individual born in this~~
14 ~~state has been changed by surgical procedure and that the individual's name~~
15 ~~has been changed, the certificate of birth of the individual shall be amended~~
16 ~~accordingly.~~

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18 /s/Gates
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