

SENATE BILL NO. 343—SENATORS SMITH, PARKS, ATKINSON,
KIHUEN, WOODHOUSE; DENIS, FORD AND MANENDO

MARCH 16, 2015

JOINT SPONSORS: ASSEMBLYMEN CARRILLO,
ARAUJO, JOINER AND SPRINKLE

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to vital statistics.
(BDR 40-141)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to vital statistics; authorizing a person who has completed treatment for gender transition to obtain a new certificate of birth to reflect his or her gender identity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person may, upon a petition to a court, change his or her name. (NRS 41.270) Existing law also provides that a certificate of birth may be amended under certain circumstances to: (1) add or change a name; (2) remove a notation of illegitimacy; and (3) add or change the name of the father upon establishment of paternity. (NRS 44.305, 44.315, 44.325) **Section 1** of this bill authorizes the issuance of a new certificate of birth for a person who has completed gender transition treatment to reflect the person's correct gender identity and new name, if any. **Section 2** of this bill sets forth the manner in which a person may petition a court for such a change.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person to whom a certificate of birth has been issued by this State and who has completed gender transition may apply to



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1 the State Registrar for a new certificate which includes the
2 applicant's:

3 (a) Correct gender identity; and

4 (b) New name, if any.

5 2. Upon receipt of an application for a new certificate and an
6 order issued pursuant to section 2 of this act, the State Registrar
7 shall prepare a new certificate of birth with the correct sex and
8 name of the applicant. The new certificate must be identical with a
9 certificate registered for the birth of a child of that sex and name.

10 3. The evidence upon which the new certificate was made and
11 the original certificate must be sealed and filed and may be opened
12 only upon the order of a court of competent jurisdiction.

13 **Sec. 2.** Chapter 41 of NRS is hereby amended by adding
14 thereto a new section to read as follows:

15 1. Any natural person who completes clinically appropriate
16 treatment for the purpose of gender transition may file a petition
17 with the clerk of the district court of the district in which the
18 person resides requesting an order recognizing the person's
19 change in gender.

20 2. The petition must be accompanied by an affidavit of a
21 physician attesting that the petitioner has completed clinically
22 appropriate treatment for the purpose of gender transition.

23 3. If a court finds that a petitioner has completed clinically
24 appropriate treatment for the purpose of gender transition, the
25 court shall issue the requested order.

26 4. In lieu of filing a petition pursuant to NRS 41.270, a
27 petitioner may, in the same petition filed pursuant to subsection 1,
28 request to have his or her name changed to be consistent with his
29 or her gender transition. The petitioner must include in the
30 petition the information specified in NRS 41.270.

31 5. If the court issues an order recognizing a change in gender
32 pursuant to subsection 3, the court shall grant any change in
33 name also requested in the same petition pursuant to subsection 4.

34 6. Upon granting the change of the person's name pursuant
35 to subsection 5, the court shall transmit a certified copy of the
36 order to:

37 (a) The State Registrar of Vital Statistics for inclusion in the
38 State Registrar's records; and

39 (b) The Central Repository for Nevada Records of Criminal
40 History for inclusion in the applicant's record of criminal history,
41 if any.

42 **Sec. 3.** NRS 41.280 is hereby amended to read as follows:

43 41.280 1. Except as otherwise provided in subsection 2 **H**
44 and section 2 of this act, upon the filing of the petition, the
45 applicant shall make out and procure a notice that must:



(a) State the fact of the filing of the petition, its object, the applicant's present name and the name which the applicant desires to bear in the future; and

(b) Be published in some newspaper of general circulation in the county once a week for 3 successive weeks.

2. If the applicant submits proof satisfactory to the court that publication of the change of name would place the applicant's personal safety at risk, the court shall not require the applicant to comply with the provisions of subsection 1 and shall order the records concerning the petition and any proceedings concerning the petition to be sealed and to be opened for inspection only upon an order of the court for good cause shown or upon the request of the applicant.

Sec. 4. NRS 602.085 is hereby amended to read as follows:

602.085 The provisions of this chapter do not authorize a natural person to change his or her name pursuant to this chapter, and a natural person who desires to change his or her name must comply with the procedures set forth in NRS 41.270, 41.280 and 41.290 ~~H~~ *and section 2 of this act.*

Sec. 5. This act becomes effective upon passage and approval.

