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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3075

04/02/2025 Authored by Hollins, Curran, Finke and Kozlowski
The bill was read for the first time and referred to the Committee on Health Finance and Policy

A bill for an act

relating to health records; changing, removing and adding sex indicator on birth records; proposing coding for new law in Minnesota Statutes, chapter 144.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[144.2182] SEX INDICATOR BIRTH RECORD REPLACEMENT.**

Subdivision 1. **Amendment to birth record.** The subject of a birth record may request the commissioner change, remove, or add the sex indicator if none exists on the subject's birth record. If the subject of the birth record is 18 years of age or older or has status of emancipated minor, the commissioner shall consider the request to replace the birth record. If the subject of the birth record is a minor or an incapacitated person, then a parent, guardian, or legal representative of the minor or incapacitated person may make the request on behalf of the subject of a birth record.

Subd. 2. **Documentation required.** (a) A person making a request under this section must submit all forms and fees required by the commissioner and provide acceptable documentation in support of the request. Acceptable documentation includes but is not limited to:

(1) a written statement from a provider of medical services the requested change is appropriate in the provider's opinion;

(2) a certified copy of a court order from a court of competent jurisdiction in this or another state granting the requested change; or

(3) a sworn statement provided by the subject of the birth record or by the parent or legal guardian of the minor who is the subject of the birth record that the request is not based on

an intent to defraud or mislead and is made in good faith and, if the subject is a minor, that the change is in the minor's best interest.

(b) A request submitted and accompanied by one or more forms of acceptable documentation identified in paragraph (a) shall be presumed to be made in good faith. If this presumption is not otherwise overcome, the commissioner shall grant the request.

Subd. 3. **Court records.** A subject of a birth record may file a petition in district court to change, remove, or add, if none exists, a sex indicator to the subject's birth record. If the subject is a minor, a parent or guardian may file a petition on behalf of the minor. The court shall consider petitions filed by persons over whom the court has jurisdiction for an order granting a change of sex indicator on a birth record irrespective of the jurisdiction in which the original birth certificate was issued. The court shall issue an order to replace the birth record under this section upon a finding that the request is not based on an intent to defraud or mislead and is made in good faith and, if the subject of the birth record is a minor, that the change is in the minor's best interest.

Subd. 4. **Records sealed.** When the commissioner has received the necessary information and replaced the birth record, the commissioner shall notify the requestor. Upon replacement of a birth record under this section, any previous birth record including the original record of birth shall be classified as confidential data pursuant to section 13.02, subdivision 3, and shall not be disclosed except pursuant to a court order.