This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 5152

05/16/2026 Authored by Hollins, Kozlowski, Finke, Curran, Pérez-Vega and others
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 records; permitting request to change or add sex indicators on birth and death records; permitting modifications to marriage records; classifying data; amending Minnesota Statutes 2025 Supplement, sections 517.08, subdivision 1a; 517.10; 517.103; 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] BIRTH RECORD REPLACEMENT; AMENDMENT TO SEX INDICATOR.**

Subdivision 1. **Definition.** For purposes of this section, "sex indicator" means a marker that identifies the sex of the individual who is the subject of the record, including a marker that is not exclusively male or female.

Subd. 2. **Amendment to birth record.** The subject of a birth record may request the commissioner to change or add a sex indicator, if none exists, on the subject's birth record as provided under this section. If the subject of the birth record is 18 years of age or older or is an emancipated minor, the commissioner must consider the subject's request to replace the birth record. If the subject of the birth record is a minor or an incapacitated person, the parent, guardian, or legal representative of the minor or incapacitated person may submit the request on behalf of the subject of the birth record.

Subd. 3. **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 that 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 requestor 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) is presumed to be made in good faith. If this presumption is not otherwise overcome, the commissioner must grant the request.

Subd. 4. **Court records.** A subject of a birth record may file a petition in district court to change or add a sex indicator, if none exists, to the subject's birth record. If the subject is a minor or an incapacitated person, the parent, guardian, or legal representative may file a petition on behalf of the minor or incapacitated person. The court must 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 where the original birth certificate was issued. The court must 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. 5. **Minimum sex indicators.** The commissioner must provide at least three sex indicators as options for a change or addition to a birth record requested under this section, including a sex indicator that is an "X."

Subd. 6. **Notification; data practices.** When the commissioner has received the necessary information and replaced the birth record pursuant to this section, the commissioner must notify the requestor. Upon replacement of a birth record under this section, any previous birth record, including the original birth record, is classified as private data on individuals, as defined in section 13.02, subdivision 12, and must not be disclosed, except pursuant to a court order.

Sec. 2. **[144.2183] DEATH RECORD REPLACEMENT; AMENDMENT TO SEX INDICATOR.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Health care agent" has the meaning given in section 145C.01, subdivision 2.

(c) "Health care directive" has the meaning given in section 145C.01, subdivision 5a.

(d) "Sex indicator" means a marker that identifies the sex of the individual who is the subject of the record, including a marker that is not exclusively male or female.

Subd. 2. **Amendment to death record.** A health care agent designated to make health care decisions on behalf of the subject of a death record may request the commissioner change or add a sex indicator, if none exists, on the subject's death record. If there is no health care agent designated to make health care decisions on behalf of the subject of a death record, any other person authorized to amend a death record may submit a request or file a petition as provided under this section.

Subd. 3. **Documentation required.** (a) A person making a request under this section must submit all forms and fees required by the commissioner.

(b) Unless the person making a request is a health care agent, the person must submit 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 that 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;

(3) a sworn statement provided by the requestor that the request is not based on an intent to defraud or mislead and is made in good faith; or

(4) a health care directive.

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

Subd. 4. **Court records.** A health care agent or, if there is no designated health care agent, any other person authorized to amend a death record, may file a petition in district court to change or add a sex indicator, if none exists, to the subject's death record. The court must consider petitions filed by persons over whom the court has jurisdiction for an order granting a change of sex indicator on a death record irrespective of the jurisdiction where the original death certificate was issued. The court must issue an order to replace the death

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.

Subd. 5. **Minimum sex indicators.** The commissioner must provide at least three sex indicators as options for a change or addition to a death record requested under this section, including a sex indicator that is an "X."

Subd. 6. **Notification; data practices.** When the commissioner has received the necessary information and replaced the death record pursuant to this section, the commissioner must notify the requestor. Upon replacement of a death record under this section, any previous death record, including the original death record, is classified as private data on individuals, as defined in section 13.02, subdivision 12, and must not be disclosed, except pursuant to a court order.

Sec. 3. Minnesota Statutes 2025 Supplement, section 517.08, subdivision 1a, is amended to read:

Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the parties upon a form provided for the purpose and shall contain the following information:

(1) the full names of the parties;

(2) their post office addresses and county and state of residence;

(3) their full ages and dates of birth;

(4) ~~if either party has previously been married, the party's married name from the most recent marriage; the date, place, and court in which the civil marriage was dissolved or annulled; or the date and~~ place of death of the former spouse;

(5) whether the parties are related to each other, and, if so, their relationship;

(6) the address of the parties after the civil marriage is entered into to which the local registrar shall send a certified copy of the civil marriage certificate;

(7) the full names the parties will have after the civil marriage is entered into and the parties' Social Security numbers. The Social Security numbers must be collected for the application but must not appear on the civil marriage license. If a party listed on a civil marriage application does not have a Social Security number, the party must certify on the application, or a supplement to the application, that the party does not have a Social Security number;

(8) if one party to the civil marriage license has a felony conviction under Minnesota law or the law of another state or federal jurisdiction, the party may not change the party's

name through the marriage application process and must follow the process in section 259.13 to change the party's name; and

(9) notice that a party who has a felony conviction under Minnesota law or the law of another state or federal jurisdiction may not use a different name after a civil marriage except as authorized by section 259.13, and that doing so is a gross misdemeanor.

Sec. 4. Minnesota Statutes 2025 Supplement, section 517.10, is amended to read:

517.10 CERTIFICATE; WITNESSES.

The person solemnizing a civil marriage shall complete and sign a marriage certificate provided by the local registrar. The certificate shall contain the full names of the parties ~~before and~~ after the civil marriage, the birth dates of the parties, and county and state of residences of the parties and the date and place of the civil marriage. The certificate shall also contain the signatures of the applicants' legal names after marriage and at least two of the witnesses present at the civil marriage who shall be at least 16 years of age. The person solemnizing the civil marriage shall immediately make a record of such civil marriage, and file such certificate with the local registrar of the county in which the license was issued within five days after the ceremony. The local registrar shall record such certificate in the county civil marriage records.

Sec. 5. Minnesota Statutes 2025 Supplement, section 517.103, is amended to read:

517.103 AMENDMENT OF MARRIAGE RECORDS.

(a) To request an amendment of ~~an error in~~ a marriage record, a person must submit the following documentation to the local registrar:

(1) an affidavit stating the reason for an amendment of the marriage record; and

(2) documentation supporting the amendment.

(b) A local registrar may amend a marriage record if the local registrar~~:~~

~~(1)~~ receives an affidavit and documentation supporting the amendment of a marriage record~~;~~ and determines:

~~(2) the local registrar determines that~~ (1) the affidavit and supporting documentation establish that the marriage record contains an error~~.~~; or

(2) the affidavit and supporting documentation updates the legal name or gender of a party.

(c) The local registrar must retain and maintain an affidavit and documentation upon which the amendment of a marriage record was based, including the date of the amendment and the legal name of the authorized person making the amendment.

(d) The local registrar must not amend a marriage record if:

(1) an applicant fails to submit the documentation required for amending a marriage record; or

(2) the local registrar has reason to question the validity or completeness of the applicant's affidavit or supporting documentation.

(e) A party that provides the documentation in this section may request a written statement from the registrar certifying that two parties have a documented marriage.

(f) When the local registrar has received the necessary information and amends the marriage record, the local registrar must notify the subjects of the record, including the requestor. Upon amendment of a marriage record under this section, any previous marriage record, including the original marriage record, is classified as private data on individuals, as defined in section 13.02, subdivision 12, and shall not be disclosed, except pursuant to a court order.