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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1312 Session of 2025

INTRODUCED BY SANCHEZ, HOHENSTEIN, WAXMAN, RABB, GUENST, KHAN, CERRATO, GIRAL, RIVERA, D. WILLIAMS, MAYES, BOYD, BOROWSKI AND KRAJEWSKI, APRIL 28, 2025

REFERRED TO COMMITTEE ON HEALTH, APRIL 28, 2025

AN ACT

Amending the act of June 29, 1953 (P.L.304, No.66), entitled "An act providing for the administration of a statewide system of vital statistics; prescribing the functions of the State Department of Health, the State Advisory Health Board and local registrars; imposing duties upon coroners, prothonotaries, clerks of orphans' court, physicians, midwives and other persons; requiring reports and certificates for the registration of vital statistics; regulating the disposition of dead bodies; limiting the disclosure of records; prescribing the sufficiency of vital statistics records as evidence; prescribing fees and penalties; and revising and consolidating the laws relating thereto," in death and fetal death registration, providing for nonbinary designation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, is amended by adding a section to read:

Section 502.1. Death and Fetal Death Registration: Nonbinary Designation.--(a) A registration district shall establish a procedure for an individual to predesignate a gender identity if that individual wishes the gender identity to be reported on the

certificate of death of the individual. The options for predesignation shall be "female," "male" or "nonbinary." The gender identity predesignation shall be filed with the registration district. The registration district shall check the sex designation of each certificate of death and amend the certificate if there is a predesignated gender identity that differs from the reported sex designation. If the decedent did not predesignate a gender identity with the registration district under this subsection, an immediate family member, spouse or legal guardian may challenge the sex designation reported to the individual who completed the certificate of death within ten (10) days after the report of death has been registered, by filing a petition in court seeking an order to determine the gender identity to be recorded for the decedent.

(b) (1) If a decedent completed a predesignation under subsection (a), the individual completing the certificate of death shall record the decedent's sex to reflect the decedent's gender identity as designated on the predesignation form under subsection (a).

(2) If a decedent did not complete a predesignation under subsection (a), the decedent's gender identity shall be listed as identified on any of the following documents of the decedent:

(i) A birth certificate.

(ii) A driver's license.

(iii) A Social Security record.

(iv) A court order approving a name or gender change.

(v) A passport.

(vi) An advanced health care directive.

(vii) Proof of clinical treatment for gender transition.

(3) If no proof or documentation under clauses (1) and (2)

apply, the person completing the certificate of death shall record the decedent's sex as that which corresponds to the decedent's gender as provided under subsection (a).

Section 2. This act shall take effect in 60 days.