



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1732

Introduced 2/22/2007, by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

410 ILCS 535/1
410 ILCS 535/17

from Ch. 111 1/2, par. 73-1
from Ch. 111 1/2, par. 73-17

Amends the Vital Records Act. Adds a definition of "medical treatment". Provides that the State Registrar of Vital Records shall establish a new certificate of birth when he or she receives an affidavit by a physician that a person has undergone medical treatment and that by reason of the medical treatment the sex designation on such person's birth record should be changed (now, an affidavit by a physician that he has performed an operation on a person, and that by reason of the operation the sex designation on such person's birth record should be changed). Effective immediately.

LRB095 11236 KBJ 31705 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Vital Records Act is amended by changing
5 Sections 1 and 17 and by adding Section 28.5 as follows:

6 (410 ILCS 535/1) (from Ch. 111 1/2, par. 73-1)

7 Sec. 1. As used in this Act, unless the context otherwise
8 requires:

9 (1) "Vital records" means records of births, deaths, fetal
10 deaths, marriages, dissolution of marriages, and data related
11 thereto.

12 (2) "System of vital records" includes the registration,
13 collection, preservation, amendment, and certification of
14 vital records, and activities related thereto.

15 (3) "Filing" means the presentation of a certificate,
16 report, or other record provided for in this Act, of a birth,
17 death, fetal death, adoption, marriage, or dissolution of
18 marriage, for registration by the Office of Vital Records.

19 (4) "Registration" means the acceptance by the Office of
20 Vital Records and the incorporation in its official records of
21 certificates, reports, or other records provided for in this
22 Act, of births, deaths, fetal deaths, adoptions, marriages, or
23 dissolution of marriages.

1 (5) "Live birth" means the complete expulsion or extraction
2 from its mother of a product of human conception, irrespective
3 of the duration of pregnancy, which after such separation
4 breathes or shows any other evidence of life such as beating of
5 the heart, pulsation of the umbilical cord, or definite
6 movement of voluntary muscles, whether or not the umbilical
7 cord has been cut or the placenta is attached.

8 (6) "Fetal death" means death prior to the complete
9 expulsion or extraction from its mother of a product of human
10 conception, irrespective of the duration of pregnancy; the
11 death is indicated by the fact that after such separation the
12 fetus does not breathe or show any other evidence of life such
13 as beating of the heart, pulsation of the umbilical cord, or
14 definite movement of voluntary muscles.

15 (7) "Dead body" means a lifeless human body or parts of
16 such body or bones thereof from the state of which it may
17 reasonably be concluded that death has occurred.

18 (8) "Final disposition" means the burial, cremation, or
19 other disposition of a dead human body or fetus or parts
20 thereof.

21 (9) "Physician" means a person licensed to practice
22 medicine in Illinois or any other State.

23 (10) "Institution" means any establishment, public or
24 private, which provides in-patient medical, surgical, or
25 diagnostic care or treatment, or nursing, custodial, or
26 domiciliary care to 2 or more unrelated individuals, or to

1 which persons are committed by law.

2 (11) "Department" means the Department of Public Health of
3 the State of Illinois.

4 (12) "Director" means the Director of the Illinois
5 Department of Public Health.

6 (13) "Medical treatment" means any surgical operation or
7 other medical procedure causing irreversible gender change.

8 (Source: P.A. 81-230.)

9 (410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

10 Sec. 17. (1) For a person born in this State, the State
11 Registrar of Vital Records shall establish a new certificate of
12 birth when he receives any of the following:

13 (a) A certificate of adoption as provided in Section 16
14 or a certified copy of the order of adoption together with
15 the information necessary to identify the original
16 certificate of birth and to establish the new certificate
17 of birth; except that a new certificate of birth shall not
18 be established if so requested by the court ordering the
19 adoption, the adoptive parents, or the adopted person.

20 (b) A certificate of adoption or a certified copy of
21 the order of adoption entered in a court of competent
22 jurisdiction of any other state or country declaring
23 adopted a child born in the State of Illinois, together
24 with the information necessary to identify the original
25 certificate of birth and to establish the new certificate

1 of birth; except that a new certificate of birth shall not
2 be established if so requested by the court ordering the
3 adoption, the adoptive parents, or the adopted person.

4 (c) A request that a new certificate be established and
5 such evidence as required by regulation proving that such
6 person has been legitimized, or that the circuit court,
7 the Department of Healthcare and Family Services (formerly
8 Illinois Department of Public Aid), or a court or
9 administrative agency of any other state has established
10 the paternity of such a person by judicial or
11 administrative processes or by voluntary acknowledgment,
12 which is accompanied by the social security numbers of all
13 persons determined and presumed to be the parents.

14 (d) An affidavit by a physician that ~~he has performed~~
15 ~~an operation on~~ a person has undergone medical treatment,
16 and that by reason of the medical treatment ~~operation~~ the
17 sex designation on such person's birth record should be
18 changed. The State Registrar of Vital Records may make any
19 investigation or require any further information he deems
20 necessary.

21 Each request for a new certificate of birth shall be
22 accompanied by a fee of \$15 and entitles the applicant to one
23 certification or certified copy of the new certificate. If the
24 request is for additional copies, it shall be accompanied by a
25 fee of \$2 for each additional certification or certified copy.

26 (2) When a new certificate of birth is established, the

1 actual place and date of birth shall be shown; provided, in the
2 case of adoption of a person born in this State by parents who
3 were residents of this State at the time of the birth of the
4 adopted person, the place of birth may be shown as the place of
5 residence of the adoptive parents at the time of such person's
6 birth, if specifically requested by them, and any new
7 certificate of birth established prior to the effective date of
8 this amendatory Act may be corrected accordingly if so
9 requested by the adoptive parents or the adopted person when of
10 legal age. The social security numbers of the parents shall not
11 be recorded on the certificate of birth. The social security
12 numbers may only be used for purposes allowed under federal
13 law. The new certificate shall be substituted for the original
14 certificate of birth:

15 (a) Thereafter, the original certificate and the
16 evidence of adoption, paternity, legitimation, or sex
17 change shall not be subject to inspection or certification
18 except upon order of the circuit court or as provided by
19 regulation.

20 (b) Upon receipt of notice of annulment of adoption,
21 the original certificate of birth shall be restored to its
22 place in the files, and the new certificate and evidence
23 shall not be subject to inspection or certification except
24 upon order of the circuit court.

25 (3) If no certificate of birth is on file for the person
26 for whom a new certificate is to be established under this

1 Section, a delayed record of birth shall be filed with the
2 State Registrar of Vital Records as provided in Section 14 or
3 Section 15 of this Act before a new certificate of birth is
4 established, except that when the date and place of birth and
5 parentage have been established in the adoption proceedings, a
6 delayed record shall not be required.

7 (4) When a new certificate of birth is established by the
8 State Registrar of Vital Records, all copies of the original
9 certificate of birth in the custody of any custodian of
10 permanent local records in this State shall be transmitted to
11 the State Registrar of Vital Records as directed, and shall be
12 sealed from inspection.

13 (5) Nothing in this Section shall be construed to prohibit
14 the amendment of a birth certificate in accordance with
15 subsection (6) of Section 22.

16 (Source: P.A. 89-6, eff. 3-6-95; 89-257, eff. 1-1-96; 89-626,
17 eff. 8-9-96; 90-18, eff. 7-1-97; revised 12-15-05.)

18 Section 97. Severability. The provisions of this Act are
19 severable under Section 1.31 of the Statute on Statutes.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.