

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 754

Introduced by Blood, 3.

Read first time January 08, 2020

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to vital statistics; to amend section
- 2 71-604.01, Reissue Revised Statutes of Nebraska; to provide for
- 3 amendment of a birth certificate; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-604.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 71-604.01 (1) Upon receipt of an application for a new certificate
4 of birth, which shall be accompanied by a notarized affidavit from the
5 physician that performed sex confirmation reassignment surgery on an
6 individual born in this state and a certified copy of an order of a court
7 of competent jurisdiction changing the name of such person, the
8 department shall prepare a new certificate of birth in the new name and
9 sex of such person in substantially the same form as that used for other
10 live births. The evidence from which the new certificate is prepared and
11 the original certificate of birth shall be available for inspection only
12 upon the order of a court of competent jurisdiction.

13 (2) Upon receipt of a complete application to amend the sex on a
14 certificate of birth from a person born in this state or the parent,
15 guardian, or legal representative of such person, the department shall
16 amend the sex on such certificate of birth. A complete application to
17 amend the sex on a certificate of birth shall be accompanied by either
18 (a) an affidavit from a physician stating such amendment to the
19 certificate of birth is warranted and documentary evidence to
20 substantiate such amendment or (b) a certified copy of a court order
21 directing amendment of the certificate of birth to reflect such change.

22 (3)(a) Any person desiring to change the sex listed on the birth
23 certificate may file a petition in the district court of the county in
24 which such person may be a resident, setting forth (i) that the
25 petitioner has been a bona fide citizen of such county for at least one
26 year prior to the filing of the petition, (ii) the address of the
27 petitioner, (iii) the date of birth of the petitioner, (iv) the cause for
28 which the change of petitioner's sex is sought, and (v) the sex asked
29 for.

30 (b) It shall be the duty of the district court, upon being duly
31 satisfied by proof in open court of the truth of the allegations set

1 forth in the petition, that there exists proper and reasonable cause for
2 changing the sex of the petitioner, to order and direct a change of sex
3 of such petitioner and that an order for the purpose be entered by the
4 court.

5 (c) The clerk of the district court shall deliver a copy of any sex-
6 change order issued by the court pursuant to this section to the
7 Department of Health and Human Services for use pursuant to this section.

8 Sec. 2. Original section 71-604.01, Reissue Revised Statutes of
9 Nebraska, is repealed.