



Bill Number: H.B. 2438

Hoffman Floor Amendment

Reference to: House Engrossed Bill

Amendment drafted by: Leg. Council

FLOOR AMENDMENT EXPLANATION

- **Removes the prohibition on a judge pro tempore issuing an order to amend a person's name on the person's birth certificate.**

HOFFMAN FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2438
(Reference to House engrossed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 36-337, Arizona Revised Statutes, is amended to
3 read:

4 36-337. Amending birth certificates

5 A. ~~The state registrar shall amend the~~ IN ORDER TO PROTECT THE
6 INTEGRITY AND ACCURACY OF VITAL RECORDS, THE birth certificate for a
7 person born in this state MAY BE AMENDED ONLY IN ACCORDANCE WITH THIS
8 SECTION when the state registrar receives any of the following:

9 1. Except as provided in subsection ~~D~~ E of this section, an
10 adoption certificate or a court order for adoption required pursuant to
11 section 36-336.

12 2. A voluntary acknowledgment of paternity pursuant to section
13 25-812.

14 ~~3. For a person who has undergone a sex change operation or has a~~
15 ~~chromosomal count that establishes the sex of the person as different than~~
16 ~~in the registered birth certificate, both of the following:~~

17 ~~(a) A written request for an amended birth certificate from the~~
18 ~~person or, if the person is a child, from the child's parent or legal~~
19 ~~guardian.~~

20 ~~(b) A written statement by a physician that verifies the sex change~~
21 ~~operation or chromosomal count.~~

22 ~~4.~~ 3. A court order ordering an amendment to ~~a~~ THE NAME OF THE
23 PERSON ON A birth certificate.

24 B. The state registrar shall change the name of the father on a
25 registered birth certificate if:

26 1. The state registrar receives an administrative order or a court
27 order ordering the state registrar to change the father's name on the
28 registered birth certificate.

1 2. Paternity is established through a voluntary acknowledgement of
2 paternity pursuant to section 25-812.

3 ~~C.~~ C. THE SEX DESIGNATION OF A PERSON MAY NOT BE CHANGED ON THE
4 PERSON'S ORIGINAL BIRTH CERTIFICATE AS A RESULT OF A SEX CHANGE SURGERY.

5 ~~D.~~ D. If a registered birth certificate does not exist for a
6 person born in this state who is requesting to amend a birth certificate,
7 the person making that request shall comply with the requirements
8 established by rule.

9 ~~E.~~ E. The state registrar shall retain the information on a
10 person's registered birth certificate after the person's adoption if all
11 of the following documents are submitted to the state registrar:

12 1. A written request to retain the information signed by the
13 adoptive parent or a court order containing a request to retain the
14 information on the registered birth certificate.

15 2. A written statement agreeing to retain the mother's name on the
16 person's registered birth certificate, signed by the mother, or if the
17 mother is deceased, a certified copy of a registered death certificate for
18 the mother.

19 3. If there is a father's name stated on the registered birth
20 certificate, a written statement agreeing to retain the father's name on
21 the person's registered birth certificate, signed by the father, or if the
22 father is deceased, a certified copy of a registered death certificate for
23 the father.

24 ~~F.~~ F. If the state registrar amends a registered birth certificate
25 following adoption, the birth certificate shall state the city or county
26 of birth stated on the existing registered birth certificate and the date
27 of birth stated on the existing registered birth certificate. The state
28 registrar may omit the exact location of birth on the registered birth
29 certificate.

30 ~~G.~~ G. If a local registrar or deputy local registrar amends a
31 registered birth certificate, the local registrar or deputy local
32 registrar shall forward all evidentiary documents provided to create the
33 new birth certificate to the state registrar.

34 ~~H.~~ H. IN ADDITION TO ANY OTHER METHOD OF AMENDING BIRTH
35 CERTIFICATES PURSUANT TO THIS SECTION OR THE RULES ADOPTED PURSUANT TO
36 THIS SECTION, IF AN APPLICANT PROVIDES THE STATE REGISTRAR WITH EVIDENCE
37 THAT A REASONABLE PERSON WOULD CONCLUDE BEYOND A REASONABLE DOUBT THAT AN
38 ORIGINAL ENTRY ON A BIRTH CERTIFICATE WAS FACTUALLY INACCURATE AT THE TIME
39 OF RECORDATION, THE STATE REGISTRAR SHALL REMOVE THE MISINFORMATION AND
40 MAKE THE NECESSARY CORRECTION ON THE BIRTH CERTIFICATE. A RECORD OF THE
41 CORRECTION MAY NOT APPEAR ON THE FACE OF THE BIRTH CERTIFICATE. THE
42 BUREAU OF VITAL RECORDS SHALL MAINTAIN A RECORD OF ALL EVIDENCE SUBMITTED
43 RELATIVE TO AN AMENDMENT TO A BIRTH CERTIFICATE MADE PURSUANT TO THIS
44 SUBSECTION. If the state registrar amends a registered birth certificate,
45 the state registrar shall seal the previously registered birth certificate

1 ~~and the evidentiary documents provided to amend the registered birth~~
2 ~~certificate.~~ The state registrar shall provide access to a sealed
3 certificate or evidentiary documents only pursuant to section 36-322 or
4 36-340 or a court order issued in this state or as prescribed by rule.

5 ~~H.~~ I. If the state registrar receives a court order annulling an
6 adoption, the state registrar shall unseal the sealed registered birth
7 certificate and shall seal the new birth certificate and evidentiary
8 documents.

| 9 J. A ~~[JUDGE PRO TEMPORE OR]~~ COMMISSIONER MAY NOT ISSUE AN ORDER TO
10 AMEND A BIRTH CERTIFICATE PURSUANT TO SUBSECTION A, PARAGRAPH 3 OF THIS
11 SECTION.

12 Enroll and engross to conform
13 Amend title to conform

JAKE HOFFMAN

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03/21/2025
3:06 PM
C: MH