**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3771**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Long, T. Moore, McCravy, Nutt, Gilliam, Trantham, Vaughan and Chumley

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Introduced in the House on January 24, 2023

Currently residing in the House Committee on **Judiciary**

Summary: Birth Certificates, Gender

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/24/2023 House Introduced and read first time (House Journal‑page 26)

 1/24/2023 House Referred to Committee on **Judiciary** (House Journal‑page 26)

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**VERSIONS OF THIS BILL**

[01/24/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3771_20230124.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 44‑63‑20, 44‑63‑100, 44‑63‑150, AND 63‑3‑530, ALL RELATING IN PART TO CHANGES TO CERTIFICATES OF BIRTH, SO AS TO PROHIBIT THE AMENDMENT, MODIFICATION, CORRECTION, OR OTHER CHANGE TO THE GENDER OF AN INDIVIDUAL AS IT APPEARS ON THE ORIGINAL CERTIFICATE OF BIRTH.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑63‑20 of the S.C. Code is amended to read:

 Section 44‑63‑20. The Department of Health and Environmental Control shall establish a bureau of vital statistics and provide an adequate system for the registration and certification of births, deaths, marriages, and divorces by formulating, promulgating, and enforcing regulations prescribing the method and form of making the registration and certification. Notwithstanding another provision of law to the contrary, an individual’s gender listed on an original certificate of birth cannot be amended, modified, corrected, or otherwise changed.

SECTION 2. Section 44‑63‑100(A) and (D) of the S.C. Code is amended to read:

 (A) A petition may be filed in the South Carolina family court of petitioner's residence, or if petitioner no longer resides in South Carolina, in a court of competent jurisdiction in the state of petitioner's residence, for an order establishing a record of the name at birth, subsequent name changes, gender at birth, gender changes, date of birth, county of birth, and the full name of the mother prior to any marriages, and the full name of the biological father of the person whose birth is sought to be registered by way of a Delayed Certificate of Birth Established by Court Order.

 (D) The court shall determine, and the order must include, the registrant's name at birth, subsequent name changes, gender at birth, gender changes, the date of birth, the county of birth, the full name of the mother prior to any marriages, the full name of the biological father, and additional findings as the court considers necessary. The order also must include a description of the evidence presented to the court. The order must be forwarded by the clerk of court to the State Registrar no later than thirty days following the month in which the order was entered by the court.

SECTION 3. Section 44‑63‑150 of the S.C. Code is amended to read:

 Section 44‑63‑150. Correction of mistakes in birth and death certificates may be made by the state registrar upon written application duly verified and sworn to by the appropriate person as required by regulation and upon receipt of supporting evidence when required by regulation. An individual’s gender listed on an original certificate of birth may not be corrected pursuant to this section. Certificates corrected more than one year after the event must be marked “amended”. The state registrar shall certify the corrected certificate is the true certificate. Supporting affidavits of fact must be attached to the certificate corrected more than one year after the date of the event.

SECTION 4. Section 63‑3‑530(A)(9) of the S.C. Code is amended to read:

 (9) to hear and determine actions for the correction of birth records; provided, however, the court may not hear or determine actions to correct, amend, modify, or otherwise change the gender of an individual as listed on an original certificate of birth;

SECTION 5. This act takes effect upon approval by the Governor.

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