



HUMAN
RIGHTS
CAMPAIGN®

The Honorable Sen. Josh Green
Chair, Senate Committee on Health
Hawaii State Capitol, Room 407
415 South Beretania Street
Honolulu, HI 96813

March 17, 2014

Re: SUPPORT for HB 631, Relating to Certificates of Birth

Dear Chairperson Green and Members of the Senate Committee on Health:

The Human Rights Campaign (HRC), on behalf of its nearly 6,000 members in Hawaii, thanks you for holding a hearing on HB 631, a vital measure that will ensure that transgender people are able to change their birth certificates to reflect their correct name and gender without unnecessarily expensive and invasive obstacles. We urge you to pass this important legislation.

The Human Rights Campaign is America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBT citizens and realize a nation that achieves fundamental fairness and equality for all. As an advocate of equal rights for all members of the LGBT community, HRC believes that transgender people should be able to receive appropriate identification and documentation that reflects the way they live their lives.

Current Hawaii law makes it difficult and expensive for transgender people to update their Hawaii birth certificate because it requires them to undergo surgery, and even then only providing an amended document.¹ However, based on current medical understanding of transgender people, an individualized course of care for gender transition is recommended.² Even among those for whom surgery is appropriate, many cannot receive it because such care is not covered by their insurance, there may be no appropriate providers, or they have a medical condition that prevents them from undergoing these medical procedures. Nationally, only 1 in 5 transgender people (21%) have been able to update all their identification documents and records, including birth certificates, to reflect their appropriate name and gender.³

HB 631 would instead allow a transgender person to produce a sworn statement from a licensed medical or mental health provider, verifying that the person's birth certificate does not align

¹ Haw. Rev. Stat. Ann. § 338-17.7(a)(4)(B) (2005).

² Coleman, E., et al. "Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People, Version 7." *International Journal of Transgenderism*, 13:165-232, 2011. Available at http://www.wpath.org/uploaded_files/140/files/IJT%20SOC.%20V7.pdf

³ Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011. Available at http://endtransdiscrimination.org/PDFs/NTDS_Report.pdf.

with their gender identity and that, in their professional opinion, the registrant's sex designation should be changed.⁴ This procedure would simplify the process of updating records and comply with the best understanding of transgender healthcare. Moreover, the bill would allow transgender individuals to receive newly issued birth certificates that do not indicate that their name or gender marker has been amended, which will help ensure their privacy.

Transgender people with incongruent identity documents frequently experience violence and discrimination. For example, the National Transgender Discrimination Survey found that 40% of transgender people with incongruent documents experienced harassment. Additionally, 15% reported being asked to leave an establishment, and 3% reported being assaulted. Furthermore, identity documents are required by employers for payroll purposes, and incongruent documents can lead to a transgender employee being "outed" at work, which may result in discrimination. Incongruent documents can also cause unnecessary expense or suspicion by the government when dealing with a person who has unmatched documents.

The current statute in Hawaii is outdated and inadequate when compared to more advanced policies followed by the U.S. Department of State,⁵ the Social Security Administration,⁶ and the various states that have updated their laws in the past few years.⁷ The technical changes in this legislation will modernize Hawaii law and standardize a necessary government function in a simple way that is consumer friendly, concise, and professional.

Thank you for allowing us to provide testimony on this important legislation which will improve the lives of transgender citizens in Hawaii. If you should have any questions regarding HRC's support for HB 631, please contact me at 202-572-8960 or by email at Alison.Gill@hrc.org.

Sincerely,



Alison Gill, Esq.
Senior Legislative Counsel
Human Rights Campaign

⁴ Hawaii House Bill 631 (2015).

⁵ U.S. Dept. of State, Foreign Affairs Manual, vol. 9 (2011). 7 FAM 1300 Appendix M, Gender Change. Available at <http://www.state.gov/documents/organization/143160.pdf>

⁶ U.S. Social Security Administration. RM 10212.200 Changing Numident Data for Reasons other than Name Change (2013). Available at <https://secure.ssa.gov/poms.nsf/lnx/0110212200>.

⁷ 11 states plus DC have statewide laws or polices that facilitate gender marker change on birth certificates for transgender people which do not require surgery. Gill, A.M. (2015). *2014 State Equality Index*. Washington, DC: Human Rights Campaign Foundation. Available at www.hrc.org/SEI