

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 163

Introduced by The Speaker (Council Member Johnson) and Council Members Koslowitz, Kallos, Rivera, Lander, Dromm, Rosenthal, Constantinides and Levin.

A LOCAL LAW

To amend the administrative code of the city of New York, relation to amending sex designation on birth records and the issuance of birth records

Be it enacted by the Council as follows:

Section 1. Section 17-167.1 of the administrative code of the city of New York, as added by local law number 1 for the year 2015, is amended to read as follows:

§ 17-167.1 Sex designation on birth records. a. *For the purposes of this section, “x” means a designation used to indicate a sex that is not exclusively male or female.*

b. The department shall make a new birth record when an applicant submits an application and supporting documentation pursuant to this subdivision and subdivision [b] c of this section requesting the correction of sex designation to the applicant's birth record. Such application shall be made in a form or manner to be provided or approved by the department. If the department requests information, documentation or a copy of an acceptable current signed photographic identification, the department may not take into account the sex designation listed on such identification in reviewing such application.

[b] c. An application made pursuant to subdivision [a] b of this section shall be accompanied by [supporting documentation that is an affirmation from a physician licensed to practice medicine

in the United States, or an affidavit from a professional licensed to practice in the United States who is a: doctoral level psychologist (Ph.D. or Psy.D.) in clinical or counseling psychology, clinical social worker, master social worker, physician assistant, nurse practitioner, marriage and family therapist, mental health counselor or midwife. Such affirmation or affidavit shall include a declaration affirming or attesting under penalty of perjury that:

1. the professional is licensed and in good standing in the jurisdiction in the United States in which such professional is licensed; and

2. in keeping with contemporary expert standards regarding gender identity, the applicant's requested correction of sex designation of male or female more accurately reflects the applicant's sex or gender identity] *a signed and notarized statement from the applicant requesting that the sex designation be changed to female, male, or x in order to conform to the applicant's gender identity.*

d. In the event the applicant is less than 18 years old, an application made pursuant to subdivision b of this section requesting that the sex designation on the record be changed to female, male, or x to conform to the applicant's gender identity shall be made in a manner consistent with the requirements of section 207.05 of the New York city health code, or successor provision thereto.

§ 2. Paragraph 1 of subdivision a of section 17-169 of the administrative code of the city of New York is amended to read as follows:

1. A certified copy of the record of birth shall be issued only upon order of a court of competent jurisdiction or, *if the person for whom the record of birth relates is still living*, upon a specific request therefor by the person, if eighteen years of age or more, or by a parent or to the legal

representative of the person to whom the record of birth relates or by an attorney of law authorized in writing by the person if of the age of eighteen years or over to whom the record of birth relates. *If the person for whom the record of birth relates is deceased, the department may allow family members of that person to have access to a certified copy of the record of birth.* The department may issue a certified copy of a birth record *of any person* for official use upon the request of a department, agency, or officer of any state government or subdivision thereof or the United States government.

§ 3. This local law takes effect January 1, 2019, except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 12, 2018 and approved by the Mayor on October 9, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 163 of 2018, Council Int. No. 954-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.