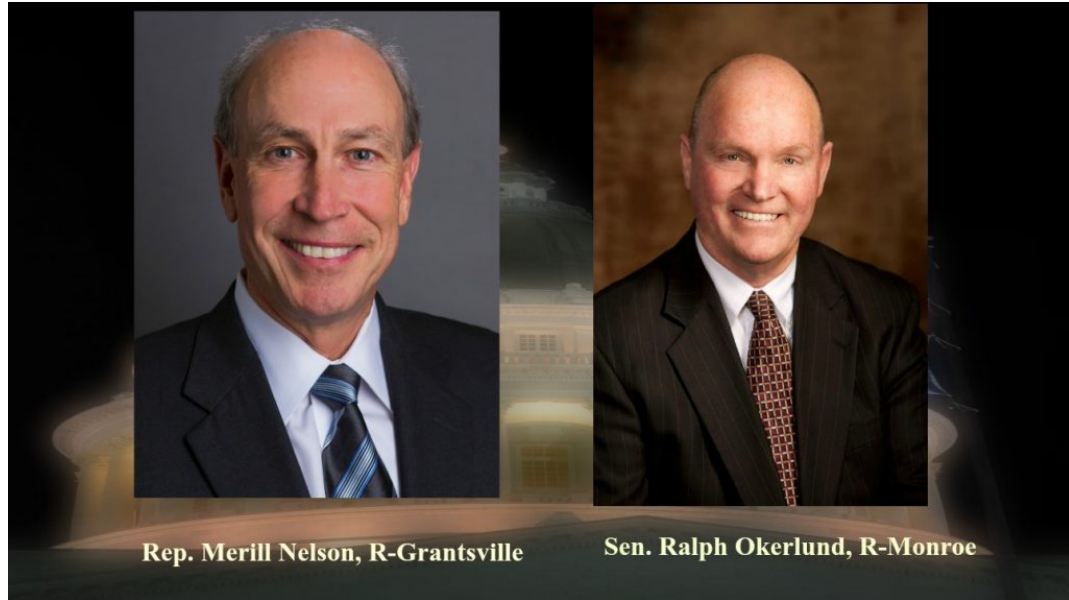


Is gender fact or choice? Controversial bill would prohibit gender changes on Utah birth certificates

Written by [Cody Blowers](#)
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ST. GEORGE — A bill filed for the upcoming legislative session would define gender at birth and prohibit Utahns from changing it on official county birth records.



L-R: Rep. Merrill

Nelson, R-Grantsville, and Sen. Ralph Okerlund, R-Monroe, date not specified | Photos courtesy of Merrill Nelson and Ralph Okerlund, St. George News

[HB 153](#), the Utah Vital Statistics Act, is sponsored by Rep. Merrill Nelson, R-Grantsville, and Sen. Ralph Okerlund, R-Monroe.

The proposed bill says that once a birth certificate is complete, only the name or a mistake made at the time the document was created can be changed.

It also requires that infants be assigned a gender at birth, or in some rare cases would allow for a child's sex to be listed as undetermined and updated in time.

What it does not allow for is any change to the birth certificate based on gender identity, even if gender reassignment takes place later in life.

"This is about recording the facts present at the time of birth; nothing else," Okerlund told St. George News.

As it stands now, anyone born in Utah can change their gender assignment if it's approved by state, federal or a Canadian court.

If HB 153 passes, Utahns won't be able to change anything else without submitting an application accompanied by a judge's order to the state registrar – who then can either approve or deny the application at their discretion.

The ACLU of Utah said in a statement that the proposed bill is "completely out of step with science, medicine, and respect for basic human dignity."

The organization cited two federal rulings that said any law that prohibits people from updating the listed sex on a birth certificate "violates the Equal Protection clause of U.S. Constitution."

Similar to North Carolina's infamous "Bathroom Bill," the ACLU warns that if the "vindictive bill" passes, it could place a "dangerous national spotlight" upon Utah.

Okerlund said the bill has little to do with gender or the decisions individuals make but instead has to do with making an accurate record of the child's birth.

"The birth certificate records the facts at the time of the birth, and other than situations where gender cannot be determined, those facts do not change, regardless of the decision made later in life," he said.

The purpose is simple, he continued, and is meant to "clear up any ambiguity by listing the facts present when the birth takes place."

The ACLU disagrees, saying that instead of furthering any rational governmental interest, the bill "unnecessarily targets transgender, non-binary and intersex individuals," and warned that if it passes, "unnecessary economic losses, potential boycotts and inevitable lawsuits," will follow.

"It's a matter of fact, not of gender," Okerlund said.

Transgender issues are not isolated to Utah, or even to the United States.

In a recent Japan Supreme Court ruling upheld a 2004 law which "effectively requires transgender people to be sterilized before they can have their gender changed on official documents," according to an article by the Associated Press published Friday.

The unanimous decision said the law was constitutional and designed to "reduce confusion in families and society."

Under current Japanese law, anyone wishing to register a gender change must have their original reproductive organs removed and replaced with reproductive organs "that resemble the genital organs" of the gender they want to register."

More than 7,800 Japanese have had their genders changed officially.

The Associated Press contributed to this report.

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Resources

- Read full text of bill: Utah 2019 HB 153 — [Utah Vital Statistics Act Amendment](#).
- Bill sponsor: [Rep. Merrill Nelson](#) | Co-sponsor [Sen. Ralph Okerlund](#).
- Southern Utah Sens. [Evan Vickers](#), [Don Ipson](#), [David Hinkins](#) and [Ralph Okerlund](#) | Listing of [all senators](#).
- Southern Utah Reps. [Travis Seegmiller](#), [Bradley Last](#), [V. Lowry Snow](#), [Walt Brooks](#), [Rex Shipp](#), [Merrill Nelson](#) and [Phil Lyman](#) | Listing of [all members of the House of Representatives](#).