

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1597 Session of 2023

INTRODUCED BY SANCHEZ, MADDEN, MAYES, RABB, HILL-EVANS, DELLOSO, GUENST, HOHENSTEIN, CERRATO, KRAJEWSKI, GREEN AND KHAN, AUGUST 7, 2023

REFERRED TO COMMITTEE ON HEALTH, AUGUST 7, 2023

AN ACT

1 Amending the act of June 29, 1953 (P.L.304, No.66), entitled "An
 2 act providing for the administration of a statewide system of
 3 vital statistics; prescribing the functions of the State
 4 Department of Health, the State Advisory Health Board and
 5 local registrars; imposing duties upon coroners,
 6 prothonotaries, clerks of orphans' court, physicians,
 7 midwives and other persons; requiring reports and
 8 certificates for the registration of vital statistics;
 9 regulating the disposition of dead bodies; limiting the
 10 disclosure of records; prescribing the sufficiency of vital
 11 statistics records as evidence; prescribing fees and
 12 penalties; and revising and consolidating the laws relating
 13 thereto," in death and fetal death registration, providing
 14 for nonbinary designation.

15 The General Assembly of the Commonwealth of Pennsylvania
 16 hereby enacts as follows:

17 Section 1. The act of June 29, 1953 (P.L.304, No.66), known
 18 as the Vital Statistics Law of 1953, is amended by adding a
 19 section to read:

20 Section 502.1. Death and Fetal Death Registration: Nonbinary
 21 Designation.--(a) Notwithstanding any other law to the
 22 contrary, a registration district shall establish a procedure
 23 for an individual to predesignate a gender identity if that

1 individual wishes the gender identity to be reported on the
2 certificate of death of the individual. The options for
3 predesignation shall be "female," "male" or "nonbinary." The
4 gender identity predesignation shall be filed with the
5 registration district. The registration district shall check the
6 sex designation of each certificate of death and amend the
7 certificate if there is a predesignated gender identity that
8 differs from the reported sex designation. If the decedent did
9 not predesignate a gender identity with the registration
10 district under this subsection, an immediate family member,
11 spouse or legal guardian may challenge the sex designation
12 reported to the individual who completed the certificate of
13 death within ten (10) days after the report of death has been
14 registered, by filing a petition in court seeking an order to
15 determine the gender identity to be recorded for the decedent.

16 (b) (1) If a decedent completed a predesignation under
17 subsection (a), the individual completing the certificate of
18 death shall record the decedent's sex to reflect the decedent's
19 gender identity as designated on the predesignation form under
20 subsection (a).

21 (2) If a decedent did not complete a predesignation under
22 subsection (a), the decedent's gender identity shall be listed
23 as identified on any of the following documents of the decedent:

24 (i) A birth certificate.

25 (ii) A driver's license.

26 (iii) A Social Security record.

27 (iv) A court order approving a name or gender change.

28 (v) A passport.

29 (vi) An advanced health care directive.

30 (vii) Proof of clinical treatment for gender transition.

1 (3) If no proof or documentation under clauses (1) and (2)
2 apply, the person completing the certificate of death shall
3 record the decedent's sex as that which corresponds to the
4 decedent's gender as provided under subsection (a).

5 Section 2. This act shall take effect in 60 days.