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AN ACT

RELATING TO VITAL STATISTICS; AMENDING A SECTION OF THE VITAL
STATISTICS ACT TO PROVIDE FOR AMENDMENT OF SEX DESIGNATION ON
VITAL RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 24-14-25 NMSA 1978 (being Laws 1961,
Chapter 44, Section 23, as amended) is amended to read:

"24-14-25. CORRECTION AND AMENDMENT OF VITAL RECORDS.--

A. A certificate or report registered under the
Vital Statistics Act may be amended only in accordance with
that act and regulations adopted by the department pursuant
to that act to protect the integrity and accuracy of vital
records and health statistics.

B. Upon receipt of a certified copy of a court
order changing the name of a person born in this state and
upon request of the person or the person's parent, guardian
or legal representative, the state registrar shall amend the
original certificate of birth to reflect the new name.

C. Upon request and receipt of an acknowledgment
of paternity signed under penalty of perjury by both parents
of a child born to an unmarried mother or, in the case of a
married mother, upon receipt of an acknowledgment of
paternity signed under penalty of perjury by the mother and
the non-husband and of a denial of paternity signed under

1 penalty of perjury by the husband, the state registrar shall
2 amend a certificate of birth to show the paternity if
3 paternity is not shown on the birth certificate. The
4 certificate of birth shall not be marked "amended".

5 D. Upon receipt of the following, the certificate
6 of birth of the individual shall be amended as prescribed by
7 department rules; provided that the vital record shall not be
8 marked "amended":

9 (1) a form prescribed by the registrar
10 indicating that, based on the provider's opinion and in
11 accordance with contemporary professional standards, the
12 individual's sex designation should be changed, signed under
13 penalty of perjury by the person in charge of an institution
14 or a licensed medical or mental health care provider; and

15 (2) if applicable, a certified copy of a
16 court order changing the name of the individual.

17 E. When an applicant does not submit the minimum
18 documentation required in the regulations for amending a
19 vital record or when the state registrar has reasonable cause
20 to question the validity or adequacy of the applicant's
21 statements or statements made under penalty of perjury or the
22 documentary evidence and if the deficiencies are not
23 corrected, the state registrar shall not amend the vital
24 records and shall advise the applicant of the reason for this
25 action.

1 F. A certificate or report that is amended under
2 this section shall be marked "amended", except as otherwise
3 provided in Subsection C of this section. The date of the
4 amendment and a summary description of the evidence submitted
5 in support of the amendment shall be endorsed on or made a
6 part of the record. The department shall prescribe by
7 regulation the conditions under which additions or minor
8 corrections may be made to certificates or records within one
9 year after the date of the event without the certificate or
10 record being marked "amended".

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