

Identity Document Laws and Policies: Gender Markers on Birth Certificates

No updates required since May 27, 2026

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Background

Birth certificate laws govern the process by which a state changes (or refuses to change) a gender marker on a person's birth certificate. Many transgender people choose to revise the gender marker on their identity documents so that it matches the gender they live every day. Accurate and consistent gender markers on identity documents helps transgender people gain access to public spaces and resources, as well as dramatically reducing the risk they will face violence, discrimination, or harassment. For more information, see [here](#).

Process categories and scoring system:

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.75) State updates birth certificates using an administrative process and documentation of "appropriate treatment" (or similar language)
- (0) State has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (-0.5) State updates birth certificates using an administrative process but requires proof of surgery
- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (-1) State does not allow changing the gender marker on birth certificates at all

Option categories and scoring system:

- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- (0) State only allows individuals to identify as male or female

Equality Map & Additional Resources

- See our [Equality Map: Birth Certificate Policies](#), which is updated and maintained in real time alongside this document.
- See our [Equality Map: Driver’s License Policies](#) and [Equality Map: Name Change Policies](#) for related identity document policies.
- MAP’s 2022 report [The ID Divide: How Barriers to ID Impact Different Communities and Affect Everyone](#), detailing the ways that barriers to obtaining an accurate ID significantly impact people’s ability to move through their daily lives and how these obstacles harm specific communities.
 - See the related [Fact Sheet: Identity Documents & Transgender and Nonbinary Communities](#) (updated March 2025; originally published 2022)
- For more information about each state’s process and requirements, see also the Advocates for Transgender Equality (A4TE, formerly known as NCTE and TLDEF) [ID Documents Center](#).
- See the CDC’s National Center for Health Statistics “[Where to Write for Vital Records](#)” for links to the relevant agencies in all 50 states, D.C., and five U.S. territories.

Summary Tables

Table 1: Summary Matching the Map

Category	States	
State updates birth certificates using an administrative process with no medical documentation requirements <i>(15 states)</i>	California Colorado Illinois Maine Massachusetts Michigan Montana Nevada	New Jersey New Mexico New York Oregon Rhode Island Vermont Washington
State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language) <i>(11 states, D.C., + 2 territories)</i>	Alaska Arizona Connecticut Delaware District of Columbia Hawaii	Maryland Minnesota North Carolina Pennsylvania Puerto Rico Virginia West Virginia U.S. Virgin Islands
State has unclear process and/or unclear medical requirements left to the discretion of individual judges <i>(5 states + 2 territories)</i>	<i>Unclear process:</i> South Carolina American Samoa	<i>Court order but unclear medical requirements:</i> Mississippi New Hampshire Ohio Utah Northern Mariana Islands
State updates birth certificates using an administrative process but requires proof of surgery <i>(2 states)</i>	Kentucky Nebraska	
State updates birth certificates but requires both a court order and proof of surgery <i>(7 states + 1 territory)</i>	Alabama Arkansas Georgia Guam	Louisiana Missouri North Dakota Wisconsin
States that do not allow for updating the gender marker on a birth certificate at all <i>(10 states)</i>	Florida Idaho Indiana Iowa Kansas	Oklahoma South Dakota Tennessee Texas Wyoming

Table 2: Summary of Process vs. Medical Requirements

Process	Medical documentation requirements				
	Unclear or discretion of judge or official	Does not allow changes	Surgery	“Appropriate treatment” or similar language	No provider documentation
Administrative (form, affidavit, etc)			Kentucky Nebraska	Alaska Arizona Connecticut Delaware D.C. Hawaii Maryland Minnesota North Carolina Pennsylvania Virginia West Virginia Puerto Rico U.S. Virgin Islands	California Colorado Illinois Maine Massachusetts Michigan Montana Nevada New Jersey New Mexico New York Oregon Rhode Island Vermont Washington
Court order	Mississippi New Hampshire Ohio Utah Northern Mariana Islands		Alabama Arkansas Georgia Louisiana Missouri North Dakota Wisconsin Guam		
Does not allow changes		Florida Idaho Indiana Iowa Kansas Oklahoma South Dakota Tennessee Texas Wyoming			
Unclear	South Carolina American Samoa				

State-by-State Sources & More Detail

Alabama

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (0) State only allows residents to identify as male or female
- See [Alabama Code § 22-9A-19\(d\)](#) (1992), [Form ADPH-HS-33](#), and [A4TE state page](#)

Alaska

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows residents to identify as male or female
- See [Department of Vital Records Gender Change Policy](#) and [A4TE state page](#)

Arizona

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows residents to identify as male or female
- See [Ariz. Rev. Stat. § 36-337 \(A\)\(3\)](#) (2006), [Form VS-41](#), and [A4TE state page](#)
- Formerly, state required proof of surgical procedure. This requirement was permanently enjoined by a federal district court in September 2025. See [Roe v. Sjolander \(2025\)](#).

Arkansas

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (0) State only allows residents to identify as male or female
- See [Ark. Code Ann. §§ 20-18-307\(d\)](#) (1995) and [A4TE state page](#)

California

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- See [Hlth. and Safety Code, §§ 103425-103445](#) (2014), Form VS 24B ([English](#); [Spanish](#)), [SB 59](#) (2025) and [AB 1084](#) (2025), and [A4TE state page](#)

Colorado

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- See [HB 19-1039](#) (2019), [5 CCR 1006-1](#), Department of Public Health's [Correct or Change a Birth Certificate page](#) and [Sex Designation Form](#) (medical documentation only required for minors), and [A4TE state page](#). See also [HB25-1312](#) (2025), making process changes not reflected in this map (re: the number of times a person may change their gender marker).
- Formerly, (-0.75) state required both a court order and proof of surgery. This was updated by HB19-1039 (2019; 1).

Connecticut

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- See [Conn. Gen. Stat. § 7-51](#), § 7-36 defining amendment to include matters pertaining to gender change, [HB 7006 / Public Act 15-132](#) (2015), [DPH website](#) and [instructions](#), and [A4TE state page](#)
- Formerly, proof of surgery was required. This was updated by HB7006 (2015; 0.75).

Delaware

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows individuals to identify as male or female
- See [Del. Administrative Code Title 16 § 4205](#) (Feb 2017), DHSS [List of Required Documents](#) (including [Requester's Affidavit](#) and [Physician Affidavit](#)), and [A4TE state page](#)
- Formerly, (-0.75) state required a court order showing proof of surgical procedure. This was updated by new regulations finalized in Feb 2017 (0.75).

District of Columbia

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- See [D.C. Law 20-37](#) (2013), [Gender Designation Application](#) (2021), and [A4TE state page](#)

Florida

- (-1) State does not allow for amending the gender marker on the birth certificate at all
 - As [reported](#) in July 2024, the state is no longer processing gender marker changes on birth certificates. While the state has not publicly provided a new policy to this effect (as of Sept 2024), such changes continue to be denied. This map and factsheet will be updated as more information becomes available.
- (0) State only allows individuals to identify as male or female
- See above, and [A4TE state page](#)
- Formerly, (0.75) state updated birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language). See www.floridanamechange.org (as early as 2018).

Georgia

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (0) State only allows residents to identify as male or female
- See [Ga. Code Ann. § 31-10-23\(e\)](#) (as early as 2006) and [A4TE state page](#)

Hawai`i

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows individuals to identify as male or female
- See [Haw. Rev. Stat. Ann. § 338-17.7\(a\)\(4\)\(B\)](#), Act 226 (2015), [State Instructions for Sex Designation Change](#), and [A4TE state page](#)

Idaho

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows individuals to identify as male or female
- See [F.V. v. Charron](#) (2026). Previously, see [F.V. v. Barron](#) (2018), [F.V. v. Jeppesen](#) (2020), [IDHW Instructions to Change the Indicator of Sex on an Idaho Birth Certificate](#) (archived copy), and [A4TE state page](#).
- Recent history:
 - [F.V. v. Barron](#) (2018) required Idaho’s Department of Health and Welfare to develop and implement a policy for issuing accurate birth certificates. The new policy was (1) state issued new birth certificate and did not require surgery or court order (see [Idaho Gender Change Packet](#) (2018)).
 - However, [HB509](#) (March 2020) changed the state’s policy to (-1) not allow for amending the gender marker on the birth certificate at all.
 - Then, [F.V. v. Jeppesen](#) (Aug 2020) overturned HB509, reverting to the state’s earlier policy of (1) issuing new birth certificates without requiring surgery or court order.
 - In October 2025, Idaho’s attorney general [challenged](#) the original 2018 ruling in light of more recent Supreme Court rulings. On January 8, 2026, a federal court [ruled](#) to allow Idaho to (-1) refuse to amend gender markers on birth certificates at all.

Illinois

- (1) State updates birth certificates using an administrative process with no medical documentation requirements (2017)
- (0.5) State allows individuals to mark M, F, or X on birth certificate (2020)
- See [Illinois Vital Records Act](#) (2017), [Illinois Department of Public Health forms](#), and [A4TE state page](#)

Indiana

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See [local reporting](#) on agency guidance (March 2025), stemming from [Executive Order 25-36](#) (March 2025), [IN Dept of Health FAQ](#) no longer referencing gender changes (see archived link below for contrast), and [A4TE state page](#)
- Formerly, (0) state had unclear process regarding gender marker changes.
 - In [Dec 2014](#), an Indiana court ruled that the state’s existing statute (16-37-2-10(b)) allowed for state courts to issue court orders to change the gender marker on a birth certificate. This was affirmed again by a later court ruling in [2017](#). However, appellate court rulings in [May 2022](#) and [Dec 2022](#) argued that existing statute does not apply to gender marker changes and therefore that state courts have no authority to issue court orders to change gender markers on birth certificates. In [May 2023](#), the state Supreme Court declined to hear those cases, leaving the question unresolved. This meant that, while some judges continued to issue gender marker changes in the state (with a court order), others may have chosen not to, leading to potentially unclear or inconsistent experiences for transgender Hoosiers.
 - See [Ind. Code Ann. § 16-37-2-10\(b\)](#) and [IN Department of Health FAQ](#) (Dec 2024 archive showing “Gender change” listed under changes that require a court order)

Iowa

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See [SF418](#) (2025), [Iowa Code Ann. § 144.23\(3\)](#), and [A4TE state page](#)
- Formerly, (0.75) state updated birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language). See [Iowa Code Ann. § 144.23\(3\)](#), Iowa [DHHS Vital Records, Amendment form](#). Changed by [SF418](#) (2025).
 - Note, the original language said “surgery or other treatment,” but “other treatment” allowed for the potential of non-surgical treatment to suffice.

Kansas

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See below, and [A4TE state page](#)
- Recent history:
 - Formerly, (0.75) state updated birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language), as required by a [consent judgment in *Foster v. Andersen*](#) (2019). See also [Form VS624 \(archive\)](#) on [department website](#), including [this FAQ \(archive\)](#) on updating the gender on birth certificates.
 - In Aug 2023, a federal court [vacated parts of the consent judgment](#), after the state enacted a new law defining sex throughout state law based on sex assigned at birth. That court decision left the legal availability of gender marker changes uncertain.
 - On [Sept 15, 2023](#), the state Department of Health [announced](#) it would no longer issue any gender marker changes to birth certificates, due to the new state law.
 - Additionally, the state later enacted [SB244](#) (2026, overriding the governor’s veto), which requires birth certificates to show only the sex at birth, and further requires rescinding and invalidating any birth certificates that were previously updated to reflect a transgender person’s gender identity.

Kentucky

- (-0.5) State updates birth certificates using an administrative process but requires proof of surgery
- (0) State only allows residents to identify as male or female
- See [Ky. Rev. Stat. Ann. § 213.121\(5\)](#) (as early as 1990), [VS-15GR](#) (dated 2015), and [A4TE state page](#)

Louisiana

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (0) State only allows residents to identify as male or female
- See [La. Rev. Stat. Ann. § 40:62](#), [LA Dept of Health](#) and [Application to Amend](#), [LA Trans Advocates page](#), and [A4TE state page](#)

Maine

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [Maine Department of Health and Human Services 10-146 CMR ch. 16](#) (2020), Maine DHHS [Gender Marker Change on Birth Certificates FAQ](#), Maine DHHS [Application \(Form VS-7\)](#), and [A4TE state page](#). See also [LD 2235](#) (2024), putting “X” options into statutory law.

Maryland

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows residents to identify as male or female
- See [Md. Code Ann. \[Health - Gen.\] § 4-211](#), Maryland DOH [Change Sex Designation page](#) and [Application for Change in Sex Designation](#), and [A4TE state page](#)

Massachusetts

- (1) State updates birth certificates using an administrative process with no medical documentation requirements (2024)
- (0.5) State allows individuals to mark M, F, or X on birth certificate (2024)
- See [Mass Gen. Laws Ann. ch. 46, § 13\(e\)](#), amended by [H4800/Act 140, §§ 77-79](#) (2024; effective July 1, 2024), Mass. Vital Records [Amend a Birth Certificate for Sex page](#), [Fact Sheet](#), and [Application/Affidavit](#), and [A4TE state page](#)
- Formerly, (0.75) state updated using an administrative process and documentation of “appropriate treatment” (or similar language). See 2023 version of [Mass Gen. Laws Ann. ch. 46, § 13\(e\)](#), updated to (1) by H4800 (2024).

Michigan

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See below, [Mich. Comp. Laws Ann. § 333.2831\(c\)](#), [HB5303](#) (2025), [Sex Designation Form](#), and [A4TE state page](#)
- Formerly, (-0.5) state required administrative process and proof of surgery in order to change gender marker (since at least [SB751](#) (1996), but appears to be first created by Act 368 (1978); see [introduced version](#) of SB751 that shows proof of surgery was already in state statute). In February 2021, the Michigan Department of Health and Human Services (MDHHS) [formally requested](#) guidance from the state’s Attorney General regarding the constitutionality of that requirement. In June 2021, the Attorney General issued [Opinion 7313](#), finding that the requirement was unconstitutional. In July 2021, the state published a [new process](#) allowing for self-attestation with no requirement of medical documentation or a court order. See also [Sex Designation Form](#), including “X” options. In January 2025, the state also enacted [HB5303](#), codifying these policies into law.

Minnesota

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows residents to identify as male or female
- See [Minn. Stat. Ann. § 144.218](#), [Minn. Rules 4601.1100](#), Minn. DOH [Change a Birth Record page](#) (“Changing sex/gender indicators”), [Supporting Documents for Amendments page](#) (“For changing gender,” either a physician’s letter or a court order), and [A4TE state page](#)

Mississippi

- (0) State has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0) State only allows residents to identify as male or female
- See [Miss. Admin. Code 15-5-85:3.21.2](#), and [A4TE state page](#)
- Note that the amended birth certificate will show the updated sex as a “marginal notation,” meaning the birth certificate will show both gender markers.

Missouri

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (0) State only allows residents to identify as male or female
- See [Mo. Ann. Stat. § 193.215\(9\)](#) (2006), and [A4TE state page](#)

Montana

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0) State only allows residents to identify as male or female
- See [Gender Designation Form](#), below for detailed history, and see also [A4TE state page](#).
 - Currently blocked: [Rule 37.8.311](#) prohibiting any changes to the gender marker (initially implemented May 2022; formally adopted September 2022; blocked June 2023; [reinstated](#) February 2024; blocked again Dec 2024).
- Recent history:
 - Formerly, state issued new birth certificate and did not require surgery or court order (see Rule 37.8.311 ([2017 version](#)) and [archived Gender Designation Form](#)).
 - In 2021, the state enacted [SB280](#), adding requirements for proof of surgery and a court order before updating the birth certificate.
 - In July 2021, a [lawsuit](#) was filed against this discriminatory law.
 - In April 2022, a district court issued a preliminary injunction temporarily blocking enforcement of the law and ordering the state to its previous 2017 process while the court case continued.
 - In May 2022, despite the court order, the state health department issued an “[emergency order](#)” that prohibits any update to the gender marker on the birth certificate under any circumstance, even with proof of surgery and a court order.
 - On Sept 9, 2022, this emergency order was [formally adopted](#) as an administrative rule (Rule 37.8.311).
 - On Sept 15, 2022, the court again ordered the state to revert to its 2017 process and to stop violating the court’s instructions. Hours later, the state [responded](#) by saying it would continue to enforce its new rule, but the following week the state said it would [comply](#) with the court order and accept applications for birth certificate updates. A [Gender Designation Form](#) is now available on the state website, but given the hostility of the state, it is unknown whether such applications will actually be processed or approved.

- On Sept 26, 2022, the Montana health department [asked](#) the Montana Supreme Court to suspend the district court’s order so the health department can resume its rule prohibiting any gender marker changes.
- In January 2023, the Montana Supreme Court [ruled](#) the state health department should have been issuing updates according to the 2017 procedures during the injunction period. However, the ruling also stated that the new 2022 administrative rules (banning updates under any circumstance) would need to be addressed separately. LGBTQ advocates filed a motion to address that 2022 rule separately.
- In June 2023, the district court order [ruled](#) SB280 unconstitutional, permanently blocked both SB280 [and the 2022 administrative rule](#), and further found the state in contempt for disregarding the court’s repeated orders to follow the 2017 process. This meant that gender marker changes were available under the 2017 rule process.
- In February 2024, however, the state [reinstated](#) the 2022 administrative rule, banning gender marker changes under any circumstances. They justified this by citing a new state law passed in 2023 defining “sex” to enable discrimination against transgender people.
- In December 2024, a state court [temporarily blocked](#) enforcement of this ban. Shortly thereafter, the state’s website again provided a Gender Designation Form under its listing of Corrections Forms (see archive captures [here](#) and [here](#)), illustrating that they had resumed processing gender marker change applications.
- In April 2026, the Montana Supreme Court [permanently blocked](#) this ban, “recognizing that transgender discrimination is, by its very nature, sex discrimination.” The state’s website continues to provide a [Gender Designation Form](#) under its listing of [Corrections Forms](#). The case now [returns to the lower court](#) for a final decision on the merits.

Nebraska

- (-0.5) State updates birth certificates using an administrative process but requires proof of surgery
- (0) State only allows residents to identify as male or female
- See [Neb. Rev. Stat. § 71-604.01 \(1994\)](#) and [A4TE state page](#)

Nevada

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [Nev. Admin. Code. Ch. 440, § 030, Application for Correction of a Record](#) packet, [Changing Your Gender in Nevada](#) guide, and [A4TE state page](#)

New Hampshire

- (0) State has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0) State only allows residents to identify as male or female
- See [NH RSA 5-C:87](#) and [A4TE state page](#)

New Jersey

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [N.J. Stat. Ann. § 26:8-40.12](#) (2018), [S 478](#) (2018), and [A4TE state page](#)
- Formerly, (-0.75) state required both a court order and proof of surgery from a licensed physician. See earlier version of [N.J. Stat. Ann. § 26:8-40.12](#) (1984-2018).

New Mexico

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [SB 20](#) (2019), NM Health's [Gender Designation Change on a Birth Certificate](#) page, [Change Gender Designation on a Birth Certificate](#) form, and [A4TE state page](#)
- Formerly required proof of "sex reassignment surgery."

New York

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate (2020)
- See [NYCCRR Title 10 Section 35.2](#) (2014), [DOH's Gender Designation Corrections information](#) "including requests for non-binary gender designations," [Form DOH-5305](#) (January 2023), and [A4TE state page](#).

North Carolina

- (0.75) State updates birth certificates using an administrative process and documentation of "appropriate treatment" (or similar language)
- (0) State only allows residents to identify as male or female
- See [Birth Certificate Modification Application](#) (p6) with multiple routes to access updated birth certificate. See also [A4TE state page](#).
- Formerly, (-0.5) state required a written request including medical proof of surgery (see [N.C. Gen. Stat. §§ 130A-118\(b\)\(4\)](#) (since at least [2005](#))). However, a [2022 case brought by Lambda Legal](#) resulted in a consent judgement that the state must provide accurate birth certificates without requiring surgery.

North Dakota

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery*
 - *Note: this law explicitly requires *genital* surgery: “The sex of the individual was changed with anatomically correct genitalia for the identified sex as certified by a medical provider.” See [23-02.1-25.1\(2\)\(c\)](#) (2023). This is a more specific/narrower requirement even than other states with surgical requirements.
- (0) State only allows residents to identify as male or female
- See [HB1297](#) (2023) requiring court order and proof of genital surgery (see discussion above), and [HB1139](#) (2023) requiring birth certificates to include a sex marker and banning the use of any marker other than male or female. See also [A4TE state page](#).
- Previously, (-0.5) state allowed changes on written request but required proof of surgery. See ND Cent. Code §23-02.1-25 ([2022 archive](#) prior to 2023 legislation changes, with no restriction or mention of gender changes), and ND Admin. Code §33-04-12-02 ([2022 archive](#); since at least 2008, referring to written request and physician documentation).

Ohio

- (0) State has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0) State only allows residents to identify as male or female
- See [Ohio Department of Health’s website](#) (2021, [ACLU of Ohio’s FAQ](#), [Form 30.0 “Application for Correction of Birth Record”](#) (Aug 2021) to initiate court order, and [A4TE state page](#).
- Prior to 2016, state updated gender markers with a court order, consistent with state’s statutory [process for other birth certificate changes](#). Beginning in 2016, state (-1) refused to change gender markers even under court order. This policy was ruled unconstitutional in [Ray v. McCloud](#) (Dec 2020), and the state [announced](#) in April 2021 that it would not challenge the ruling. The current policy was announced in May 2021.

Oklahoma

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See [Executive Order 2021-24](#) (2021), [SB1100](#) (2022), [HB1225](#) (2026), and [A4TE state page](#)
- Previously:
 - Oklahoma required a court order but did not explicitly require medical documentation, though did note that specific courts or judges might (see, e.g., [this archive of Health Dept page](#)).
 - In [Oct 2021](#), the state’s Department of Health formalized a process for these changes (requiring a court order) including the option of a nonbinary gender marker, all as part of a settlement in a federal lawsuit. The state issued its first nonbinary marker in [Oct 2021](#).
 - In [Nov 2021](#), the state’s Governor issued [Executive Order 2021-24](#), not only preventing nonbinary options but also *any* changes of sex/gender markers on birth certificates (-1).
 - SB1100 (2022) codified the EO’s ban on nonbinary options into law.
 - HB1225 (2026) codified the EO’s ban on any gender marker changes at all into law.
- A lawsuit has been filed against this policy. See [Fowler v. Stitt](#) (filed March 2022). While a court initially dismissed the lawsuit (June 2023), Lambda Legal appealed the ruling to the Tenth Circuit, and this dismissal was reversed (June 2024). The case now awaits trial.

Oregon

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [HB 2673](#) (2017), [OAR 333-011-0265](#) (eff. Jan 1, 2018), [OHA 2673 Application](#) (must be notarized), and [A4TE state page](#)

Pennsylvania

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows residents to identify as male or female
- See [Pennsylvania Department of Health policy](#) (2016), [Birth Certificate Correction Forms](#) (must be notarized), and [A4TE state page](#) (including a sample physician statement)

Rhode Island

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate (2019)
- See [R.I. Gen. Laws § 23-3-21](#), DOH [Changes to the Sex Field on a Rhode Island Birth Certificate](#) page, R.I. Code R. 14 170 001 §§ 35-37(2004), and [A4TE state page](#)

South Carolina

- (0) State has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0) State only allows residents to identify as male or female
- See [A4TE state page](#) for more information

South Dakota

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See [Nielsen v. South Dakota](#) (March 2026)
- Formerly, (0) state had unclear process regarding gender marker changes. See [S.D. Admin. R. 44:09:05:02](#), or [A4TE state page](#) for more information.

Tennessee

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See [Tenn. Code Ann. § 68-3-203\(d\)](#) (since at least 2010) and [A4TE state page](#)

Texas

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See [reporting, confirmed by TX Health and Human Services](#), that as of Aug 2024, the state would no longer allow changes to the gender marker on birth certificates. See also [Opinion KP-0489](#) and [A4TE state page](#).
- Formerly state required a court order. See archived captures of [TX Health and Human Services website](#), [Form VS-170](#), and [TX Health & Safety Code § 192.011](#).

Utah

- (0) State has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [SB93](#) (2023), requiring a court order, which can only be granted “if the court determines by clear and convincing evidence that” the individual has met a long list of criteria including that they have transitioned, and further mentions that the court “shall consider...evidence of medical history, care, or treatment related to sex transitioning.” See also [A4TE state page](#) with additional guidance including sample forms.
- Formerly, state required a court order to change the birth certificate, but did not specify any medical or other requirements to do so. See [Utah Code Ann. § 26-2-11](#) (2004). This was changed by SB93 (2023).

Vermont

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [H 111/Act 46](#) (2017, effective July 1, 2019), [H 628/Act 88](#) (2022, effective July 1, 2022), [18 V.S.A. § 5112](#), DOH [Application to Correct or Amend a Vermont Birth Certificate](#), and [A4TE state page](#)
- Formerly, state required a court order and stated that an affidavit from a physician regarding “treatment appropriate for that individual” was sufficient evidence for the court order to be granted. See [18 Vt. Stat. § 5112](#) (2011-2019). This was updated by H111 (2017, effective 2019) to an administrative process and proof of “appropriate treatment” (0.75), and further improved by H628 (2022) (1).

Virginia

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows residents to identify as male or female
- See [SB 657](#) (2020), [Form VS-42](#) (2020), VA Code [§ 32.1-261](#), and [A4TE state page](#)
- Formerly, state had no clear policy. See archived capture of VA Code [§ 32.1-261](#) (prior to SB 657 (2020) updates) showing no explicit language about gender marker changes.

Washington

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See the [Washington Department of Health's policy](#), DOH [Form 422-143: Change of Gender Designation Request](#) (must be notarized), and [A4TE state page](#)

West Virginia

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows residents to identify as male or female
 - Note: the state explicitly bans the use of gender-neutral or nonbinary markers on birth certificates. See [HB4233](#) (2024).
- See [Sex Designation Form](#) (May 2022), West Virginia Department of Health & Human Resources [Correct or Amend a Certificate](#) page, [HB4233](#) (2024), and [A4TE state page](#)
- Recent history: State clearly allowed for amendments with a court order (see [W. Va. Code § 16-5-25](#), § [64-32-12](#)), but in June 2020 the State Supreme Court of Appeals ruled in *In re: G.M.* that courts do not have the authority to order state’s Department of Health & Human Resources to change the gender marker on a birth certificate, in effect disallowing gender marker changes entirely (MAP score of -1). In August 2021, this ruling was appealed by the ACLU in *Hersom v. Crouch*; see also [this coverage](#). In May 2022, the state Department of Health & Human Resources issued a new form allowing individuals to update their birth certificates (see above), and the court case is now on temporary pause (“in abeyance”) while the parties discuss potential settlement.

Wisconsin

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (0) State only allows residents to identify as male or female
- See [Wis. Stat. Ann. § 69.15\(4\)](#) (since at least [1985](#)) and [A4TE state page](#)

Wyoming

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See WY Rules and Regulations Dept of Health, Vital Records Services, Ch 10, Section 4(e) (initially an emergency rule [adopted Nov 2025](#), regular/permanent rule [adopted Jan 2026](#)), and [A4TE’s state page](#)
- Formerly, (-0.75) state updated birth certificates but requires both a court order and proof of surgery (since 1993; see [history](#) of regulation listed above)).

U.S. Territories

American Samoa

- (0) Territory has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0) Territory only allows residents to identify as male or female
- See [A4TE territory page](#), which reports anecdotal cases of successfully updating gender markers on birth certificates, but there is no clear policy for doing so.

Guam

- (-0.75) Territory updates birth certificates but requires both a court order and proof of surgery
- (0) Territory only allows residents to identify as male or female
- See [A4TE territory page](#)

Northern Mariana Islands

- (0) Territory has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0) Territory only allows residents to identify as male or female
- See [A4TE territory page](#)

Puerto Rico

- (0.75) Territory updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0.5) State allows individuals to mark M, F, or X on birth certificate
 - Note the X option may not be immediately available, as the state’s birth certificate registry system will need to update following the 2025 court ruling
- See [Arroyo v. Rosselló](#) (2018), [Department of Health Circular Letter 3-18](#), [news coverage](#) of the 2025 ruling permitting X options (2025), or [A4TE territory page](#) for more information.

U.S. Virgin Islands

- (0.75) Territory updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) Territory only allows residents to identify as male or female
- See OOG [Executive Order 523-2025](#) (2025), or [A4TE territory page](#) for more information
- Formerly, (0) territory had unclear process regarding gender marker changes