Process: Does the state require a court order or can you go directly to the vital records agency to update the gender marker?

31 states + 2 territories + DC +NYC have administrative process:

17 states and one territory require a court order:
Alabama, Arkansas, Colorado, Georgia, Indiana, Louisiana, Missouri, Mississippi, New Hampshire, Northern Mariana Islands, Oklahoma, South Carolina, South Dakota, Texas, Utah, Vermont, Wisconsin, and Wyoming.

2 territories have no clear process:
American Samoa, US Virgin Islands.

2 states do not allow amendments of the gender marker on a birth certificate:
Tennessee by statute, Ohio by agency policy.

Standard: Does the state require medical evidence to update the gender marker?

10 states + NYC do not require provider signature:
California,* Colorado,* Idaho,** Montana, Nevada,* New Jersey,* New Mexico,* New York, Oregon,* and Washington,* and New York City.*

13 states + DC + Puerto Rico require “appropriate” treatment for the individual (no surgery):

11 states + 1 territory require proof of surgery in the statute:
Alabama, Arizona, Arkansas, Georgia, Guam, Kentucky, Louisiana, Michigan, Missouri, Nebraska, North Carolina, and Wisconsin.

4 states require proof of surgery by written policy or actual practice by the agency:
Iowa, Maine, North Dakota, and West Virginia.

9 states + 3 territories have no specific policy or practice and the judge or policy official determines:
American Samoa, Indiana, Northern Mariana Islands, Mississippi, New Hampshire, Oklahoma, South Carolina, South Dakota, Texas, Utah,* US Virgin Islands and Wyoming.

2 states do not allow amendments of the gender marker on a birth certificate:
Tennessee by statute, Ohio by agency policy.

* - 10 states and NYC allow for a gender neutral designation, typically “X” on the certificate.
** - Idaho SB509 was signed into law with an effective date of July 1, 2020 and would prohibit birth certificate gender changes. However, implementation of this new law barred by a 2018 court order.