

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

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

Alaska, Arizona, California, Connecticut, Delaware, District of Columbia, Florida, Guam, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Maine, Michigan, Minnesota, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, New York City, North Carolina, North Dakota, Oregon, Pennsylvania, Puerto Rico, Rhode Island, Washington, and West Virginia

18 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, Virginia, 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.*

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

Alaska, Connecticut,* Delaware, District of Columbia, Florida, Hawaii, Illinois, Kansas, Maryland, Massachusetts, Minnesota, Pennsylvania, Puerto Rico, Rhode Island,* and Vermont.

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.

5 states require proof of surgery by written policy or actual practice by the agency:

Iowa, Maine, North Dakota, West Virginia, and 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.

Updated March 2020