



TRANSGENDER RESOURCE CENTER OF NEW MEXICO

TGRCNM.ORG

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### **Comments in Support of Proposed Amendments to 7.2.2 NMAC Vital Records and Statistics**

The Transgender Resource Center of New Mexico expresses full support for New Mexico's proposed regulations to 7.2.2 NMAC "Vital Records and Statistics", implementing SB 20 passed and signed by the governor in March 2019 on correction of the sex designation on vital records. The proposed regulations follow the statute and promote accuracy, accessibility, and privacy for tens of thousands of New Mexicans who may need to correct the sex designation on their birth certificates.

There are many reasons that this new statute is critical for the protection of transgender, non-binary and intersex New Mexicans. These include preventing negative and violent outcomes when people do not have ID documents that match their gender. Data from the 2015 U.S. Transgender Survey - a national survey of nearly 28,000 transgender adults, including 213 New Mexico residents - shows that a lack of proper identification greatly contributes to discrimination. Over half (58 percent) of transgender respondents living in New Mexico did not have an ID with the name and gender they prefer. Over one third (37 percent) of transgender New Mexicans who showed ID that did not match their gender presentation were verbally harassed, denied benefits or services, asked to leave, or assaulted. As a result, it is critically important that transgender people be able to provide official documents to agencies, employers, schools, and more that correspond to their gender identity.

Additionally, a person's own report of their gender is the most accurate means of ascertaining the appropriate sex designation for their documents. Removing the requirement for a medical provider to confirm a person's gender alleviates unnecessary, invasive, and expensive burdens to accessing accurate IDs.

By implementing these new rules, New Mexico will join the nine jurisdictions which thus far have a self-attestation policy for the sex designation on birth certificates: California, Idaho, Montana, Nevada, New Jersey, Colorado, New York City, Oregon, and Washington. Nine jurisdictions thus far have a self-attestation policy for the sex designation on driver's licenses: Arkansas, California, Vermont, Rhode Island, District of Columbia, Massachusetts, Minnesota, Nevada, and Oregon.

There are currently seven jurisdictions which thus far have passed official birth certificate policies allowing for a gender-neutral designation: California, Oregon, Colorado, Connecticut, Washington, New Jersey, and New York City. Other states have expressed that they will issue an "X" or another designation if directed by court order but otherwise have no official policy.

Fifteen jurisdictions are issuing or have announced they will start issuing X on driver's licenses including: Arkansas, California, Colorado, District of Columbia, Maine, Minnesota, and Oregon.

TGRCNM, along with our partners at Equality New Mexico and the National Center for Transgender Equality, stands in support of this regulation implementing the new bill and modernizing New Mexico's process for correction of sex designation on vital records. These proposed suggestions align with transgender people's needs to update the sex designation on their birth certificates, reaffirm contemporary healthcare standards, and would make the sex designation correction process accessible and practical for registrants. We encourage the vital records office to utilize the samples provided by NCTE to develop a streamlined form to implement this new policy. Do not hesitate to contact us if you have any additional questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Adrien', with a stylized flourish extending to the right.

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