

BILL NO. 35-0395

Thirty-Fifth Legislature of the Virgin Islands

October 30, 2024

An Act amending title 16 Virgin Islands Code by adding a chapter 8, relating to change of gender designations on identifying documents upon receipt of an order of the Superior Court of the Virgin Islands, amending chapter 7 relating to name change, and amending title 20, chapter 35 to allow for change of gender designation on driver’s licenses, identification cards, and for other related purposes

PROPOSED BY: Senator Novelle. E. Francis, Jr. by Request of the Governor

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 16 Virgin Islands Code is amended as follows:

(a) by adding a chapter 8 entitled “Change of Gender Marker” as follows:

“Chapter 8 Change of Gender Marker

“§ 191. Application for Gender Marker Change

(a) Any adult individual seeking a change of gender designation on a birth certificate or other government-issued identification for themselves or on behalf of their minor child shall file a petition for Gender Marker Change with the Superior Court of the Virgin Islands.

(b) The petition for Gender Marker Change must be accompanied by a statement, signed under penalty of perjury, by a healthcare provider who has treated or evaluated the individual stating at least one of the following:

(1) The individual has undergone surgical, hormonal, or other treatment appropriate for the individual for the purpose of gender transition, based on contemporary medical standards; or

1 (2) The individual has an intersex condition, and the healthcare provider's professional
2 opinion is that the gender designation must be changed.

3 (c) If an individual has received a judicial order from another jurisdiction changing gender
4 designation, a copy of this order must be filed with the petition and accepted in lieu of a statement
5 from a healthcare provider.

6 (d) In the context of this chapter, the term "Healthcare Provider" shall mean a "Healthcare
7 Provider" as defined in Title 27, Chapter 1, Subchapter IX, Section 166 of the Virgin Islands Code.

8 **§ 192. Order Granting Gender Marker Change; Change of Name**

9 (a) Upon receipt of a petition, the Court shall evaluate the petition and accompanying medical
10 statement, and upon a finding that the petition is complete and satisfactory, shall issue an order granting
11 Gender Marker Change.

12 (b) If the Court has reason to question the authenticity of the Order of Gender Marker Change,
13 it may conduct an authentication hearing before issuing the Order of Gender Marker.

14 (c) If a petitioner requests a name change in conjunction with a petition for Gender Marker
15 Change, the Court, upon adjudging the Gender Marker Change, may also adjudge a change of name,
16 provided that the petitioner follows the application process for a change of name as mandated under
17 Title 16, Chapter 7, Section 181.

18 **§ 193. Effect of Order Granting Gender Marker Change**

19 (a) An order granting Gender Marker Change, including any corresponding name change, is
20 sufficient to request the change of any identification document issued by the Government of the Virgin
21 Islands, and upon receipt of the Order, the issuing department must comply with the Gender Marker
22 Change request.

23 **§ 194. Amended Birth Certificate, Issuance**

24 (a) An applicant requesting an amended birth certificate shall submit to Virgin Islands
25 Department of Health, the Office of Vital Records & Statistics a copy of the order granting Gender
26 Marker Change. Vital Statistics shall, not later than 30 days after receipt of the Order, update its

1 records, including any corresponding name change, and upon payment of the required fee, issue an
2 amended birth certificate to the applicant.

3 (b) An amended certificate of birth must be substituted for the original certificate of birth. The
4 amended birth certificate must contain all the information in the original birth certificate except for the
5 items that were amended.

6 Thereafter, the Registrar shall seal and file the original certificate and the evidence supporting
7 the preparation of the amended birth certificate. The sealed documents may be opened only by an
8 order of a court of record or by request of the registered birth certificate holder, or by the Registrar for
9 the purposes under this chapter or to properly administer the vital records and statistics program.

10 (c) In the context of this chapter, the term “registrar” refers to the definition of ‘registrar’ as
11 outlined in Title 19, Chapter 37 of the Virgin Islands Code.”

12 (b) by amending chapter 7, section 182 in the first sentence by striking “chapter 5” and
13 inserting “chapters 5 and 8”.

14 **SECTION 2.** Title 20 Virgin Islands Code, is amended as follows:

15 (a) chapter 33, section 335 by striking the first sentence of subsection (b) and inserting
16 the following:

17 “Whenever a person who has applied for, or has been issued a vehicle registration of
18 ownership or a driver’s license using a particular address but moves to a different address other
19 than the address provided, or whenever the name of a person has been legally changed by
20 marriage or otherwise, or when a person has been issued an order granting a gender marker
21 change in accordance with title 16 Virgin Islands Code, chapter 8, the person shall, not later
22 than 30 days the occurrence, notify the Director of Motor Vehicles in writing of the change of
23 address, change of name, or the change of gender.”

24 (b) chapter 35, section 373 subsection (b) in the second sentence by striking “age,” and
25 inserting “date of birth, gender marker,”.

