



**35<sup>TH</sup> LEGISLATURE OF THE VIRGIN ISLANDS  
COMMITTEE ON HOMELAND SECURITY, JUSTICE, AND PUBLIC SAFETY**

The Honorable Senator Kenneth L. Gittens  
Chair of Committee

Testimony Presented By

The Honorable Justa Encarnacion, RN, BSN, MBA/HCM  
Commissioner of Health

On

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.*

1 Good day, Honorable Senator Kenneth L. Gittens, Chairperson of the Committee on Homeland  
2 Security, Justice, and Public Safety; Honorable Senator Ray Fonseca, Vice Chair; Committee  
3 members, and all non-committee members, and the viewing and listening audience. I am Justa  
4 “Tita” Encarnacion, Commissioner for the Virgin Islands Department of Health, and present with  
5 me today are Assistant Commissioners Dr. Nicole Craigwell-Syms and Reuben Molloy; Deputy  
6 Commissioner of Regulatory Affairs, Hadiyah Charles and Director of Vital Statistics and  
7 Records, Lorraine Benjamin-Matthew. We are here to provide testimony on the Act amending  
8 title 16 Virgin Islands Code by adding a chapter 8, relating to change of gender designations on  
9 identifying documents upon receipt of an order of the Superior Court of the Virgin Islands,  
10 amending chapter 7 relating to name change, and amending title 20, chapter 35 to allow for change  
11 of gender designation on driver’s licenses, identification cards, and for other related purposes.

12 The Virgin Islands Department of Health (VIDoH) is committed to aligning its policies and  
13 practices with the evolving needs and rights of all residents. The rights of our community members  
14 are as important to the Honorable Governor Albert Bryan, Jr. and the Honorable Lieutenant  
15 Governor Tregenza Roach, and we thank them for their continued support. This legislation  
16 presents a critical opportunity to address a gap in the recognition and affirmation of gender identity,  
17 supporting health equity, inclusivity, and the fundamental rights of all individuals. Transgender,  
18 nonbinary, and gender-nonconforming individuals often face significant challenges when their  
19 legal name or gender marker does not align with their identity, which can lead to discrimination,  
20 limited access to healthcare, and other essential services.

21 By supporting this legislation, VIDoH affirms its dedication to health, safety, and the rights of our  
22 community members. The Department’s Vital Statistics and Regulatory Division plays a key role  
23 in ensuring that official records, such as birth certificates, accurately reflect a person’s affirmed  
24 gender identity, as ordered by the Superior Court of the Virgin Islands. Once enacted, this  
25 legislation will allow the department to process requests to amend birth records, aligning gender  
26 markers with a person's identity, in accordance with court orders.

27 In addition, VIDO H will implement clear standards of operations (SOPs) to ensure secure,  
28 accessible processes for updating gender markers. This will involve collaboration between Vital  
29 Statistics, Regulatory, and other agencies, such as the Bureau of Motor Vehicles, to ensure

1 consistency across all government-issued identifications. As always, protecting individuals'  
2 privacy and confidentiality remains a top priority throughout this process.

3 This legislation supports the VI Department of Health's mission to *reduce health risks, improve*  
4 *access to quality healthcare, and ensure equity* for all Virgin Islands residents. It specifically  
5 supports the work of our Division of Vital Statistics and Records who continues to build a strong  
6 and safe system of electronically storing and providing quick time information. The Department  
7 will continue to collaborate with the 35th Legislature and relevant agencies to ensure a smooth and  
8 effective implementation. We are committed to serving the people of the Virgin Islands with  
9 respect, fairness, and excellence in public health. Thank you, Senators, for letting us provide  
10 testimony on this important bill which, if successful, will allow for a change of gender designation  
11 on driver's licenses and identification cards as well as birth records. We are prepared to respond to  
12 any questions you may have.