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Testimony of Kathy Griesmyer
IDAPA 16.02.08 – Vital Statistics Rule Docket 16-0208-1901
Before Senate Health & Welfare Committee
March 4, 2020

The American Civil Liberties Union (ACLU) of Idaho stand before you today in support of the Vital Statistics rule docket 16-0208-1901 regarding amending one's gender marker on their Idaho birth certificate and asks the members of this committee to fully accept this rule.

In accordance with the court ruling in *F.V. v. Barron* (2018), the ACLU of Idaho supports Vital Statistics' rule 201. Completion and Correction of Certificates which now permits adult and minor transgender Idahoans to change the gender marker on their Idaho birth certificate to be consistent with their gender identity through self-attestation. In doing so, it affirms an individuals' gender expression, provides for consistency among legal identity documents which in turn can reduce harassment and public safety threats for transgender Idahoans.

Since the implementation of this rule on April 6, 2018 there have been over 100 adults and 15 minors who have successfully applied to change their gender marker on their birth certificate, with no documented complications, as was reported at a May 16, 2019 Board of Health and Welfare meeting by James Aydelotte, who spoke in his official capacity as State Registrar and Chief of the Bureau of Vital Records and Health Statistics. Those successful applications, by both adults and minors, confirms that self-reporting one's gender identity, like many of the other self-reported characteristics that are required on official government documents, does not jeopardize the veracity of state documents. Instead, it confirms that transgender people know themselves best and removes unnecessary and discriminatory burdens that transgender people may face at the hands of government actors.

Idaho is not alone in ensuring legal access to accurate identity documents for transgender people. Under the current Idaho Department of Health & Welfare rule, Idaho joins 30 other states that have current administrative procedures that permit transgender people to change the gender marker on their birth certificate. And we join our Western neighbors of Montana, Nevada, Oregon and Washington in permitting transgender people to complete the birth certificate update via self-attestation which removes unnecessary and discriminatory burdens that transgender people may face at the hands of government actors.

Accurate identity documents is about ensuring basic safety for transgender Idahoans. According to a 2015 National Center on Transgender Equality survey, one-third (32%) of individuals who have shown IDs that did not match their presentation reported negative experiences, such as being harassed, denied services, and/or attacked. And medical and mental health professionals have long recognized the importance of updated identity documents as a part of gender transition. The American Medical Association, the American



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Psychological Association and others support allowing trans people to access ID that reflects their gender without proof of medical intervention or other clinical documentation.

The critical need for securing identity documents that matches one's gender identity ensures that all transgender Idahoans can maneuver through daily life without fear of discrimination or jeopardizing their physical safety. For these reasons, we strongly urge the committee to accept rule docket 16-0208-1901 and ensure that all transgender Idahoans have equal access to changing the gender marker on their birth certificate. Thank you.