



# Certification Page Regular and Emergency Rules

Revised August 2023

**Emergency Rules** (Complete Sections 1-3 and 5-6)

**Regular Rules**

## 1. General Information

a. Agency/Board Name*			
b. Agency/Board Address		c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address			h. Adoption Date
i. Program			
Amended Program Name (if applicable):			

\*  By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

## 2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular (non-emergency) rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these non-emergency or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.  Yes. If the rules are new, please provide the Legislative Chapter Number and Year Enacted: Chapter: \_\_\_\_\_ Year: \_\_\_\_\_

## 3. Rule Type and Information

For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title\* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  No.  Yes.  N/A

b. A public hearing was held on the proposed rules.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

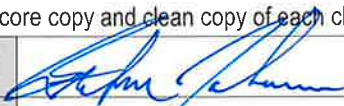
**5. Checklist**

a.  For regular rules, the Statement of Principal Reasons is attached to this Certification and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule

b.  For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual	
Printed Name of Signatory	STEFAN JOHANSSON
Signatory Title	DIRECTOR
Date of Signature	11/3/25

**7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	



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Stefan Johansson  
Director

Mark Gordon  
Governor

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## MEMORANDUM

**To:** Honorable Mark Gordon, Governor

**From:** Kyndra Herrera, Deputy State Registrar  
Vital Records Services, Wyoming Department of Health

**Subject:** Proposed Rules – Chapter 10

**Date:** November 5, 2025

**Priority:** Normal.

**Summary:** The Department is proposing to amend Chapter 10 of Vital Records Services rules. Changes are in relation to W.S. 8-1-110 - References to males and females; separate accommodations for males and females; data reporting requirements as it relates to changing the sex on a birth certificate. Additional information can be found in the Statement of Reasons.

Agency Contact Name: Lindsay Mills  
Agency Contact Phone: (307) 777-8622  
Agency Contact Email: Lindsay.mills@wyo.gov

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## Rules and Regulations for Vital Record Services

### Intent to Amend Rules

#### Chapter 10 – Corrections and Amendments

#### Statement of Reasons

The Wyoming Department of Health proposes to amend Chapter 10 with the authority to do so under W.S. 35-1-404.

Vital Records Services has in the past, through the proper rule promulgation process, amended the sex designation on birth certificates, so long as the statutorily required court order and physician's statement is present in an application for correction. See W.S. 35-1-424. Also, pursuant to the same statute, the birth certificate must be marked as amended.

On October 9, 2025 the Seventh Judicial District Court entered a decision denying a petition for correction and re-issue of vital record. The decision was based on the newly enacted What is a Woman Act, W.S. 8-1-110. As a result of this decision from the Seventh Judicial District Court, specifically the Court's interpretation of W.S. 8-1-110, our Office made the following change to Chapter 10:

Chapter 10, Section 3(a) and Section 4(a) are updated to remove the word "any" because that word implies that any item on a birth certificate can be changed.

Chapter 10, Section 4(e) is updated so that the rule no longer allows a court order reflecting a sex change to be the basis for this Office to change the sex designation on a birth record. The rule also now adds language to allow for changes based on errors or omissions regarding a person's sex at the time of birth.

Finally, if records are not obtainable due to time frame or in the event of a home births occurring, the rule is changed so that this Office can make corrections to birth records as needed so long as acceptable evidence supports a change if an error occurred.

## Chapter 10 Corrections and Amendments

### Emergency rules are in effect no longer than 120 days after filing with the Registrar of Rules

**Section 1.** General Provisions for Amendments within the First Year. See succeeding sections for specific documents.

(a) Amendments of obvious errors such as transpositions of letters in words of common knowledge on certificates may be made by the State Registrar of Vital Records within the first year after the date of birth, death, marriage or divorce, either upon his or her own observation or query or upon request of a person with a direct interest in the certificate.

(b) The following types of corrections may be made upon receipt of a signed statement from the person or office that filed the original certificate.

(i) Corrections of typographical errors in transferring information from the worksheet or other medical record to the certificate;

(ii) Clarification of inconsistent entries made in response to a query from this office;

(iii) Entry of items which were previously omitted.

(c) The State Registrar may require documentary evidence to substantiate any requested amendment.

(d) Prior to one (1) year of the date of the birth, death, marriage, or divorce recorded on the certificate, corrections or additions may be made by lining through the incorrect information so as not to obliterate it and entering the correct information. A notation as to the source of the information, together with the date the change was made, and the initials of the authorized clerk making the change, shall be made on the certificate.

(e) After an item has been amended, it can only be changed by a court order.

**Section 2.** General Provisions for Amendments after the First Year. After one (1) year no corrections shall be made on the face of the original certificate. Unless otherwise provided in the regulations or by statute, all amendments to vital records shall be supported by an Affidavit of Correction form and one piece of documentary evidence.

(a) Affidavits of Correction.

(i) Affidavits of Correction must set forth information to identify the certificate, the incorrect item(s) as it is listed on the certificate, the correct item(s) as it should appear, and a description of the evidence used to support the correction.

(ii) Only those eligible to apply to correct the certificate may sign the affidavit. (See succeeding sections for who is eligible to apply.)

(iii) The applicant shall not alter the affidavit.

(iv) The affidavit must be signed before an official authorized to administer oaths.

(b) Documentary evidence.

(i) Evidence must have been established at least five (5) years prior to the date of the first application for amendment or within seven (7) years of the date of the event.

(ii) With the exception of the item or items on the certificate to be corrected, evidence must correspond with the original certificate as to all other pertinent information.

(iii) Documents used as evidence must contain the item(s) of information exactly as it is to be corrected on the certificate.

(iv) Documents that have been altered will not be accepted.

(v) Only one (1) document can be used as evidence. All information to be corrected must be shown on that document.

(vi) A copy of a document from an organization must be certified as a true copy of the original by the custodian of the document and show the date the document was originally made.

(vii) Copies of certified copies will not be accepted.

(viii) Supporting evidence will be copied and returned to the applicant upon completion of the amendment.

(ix) The State Registrar of Vital Records shall evaluate the evidence submitted in support of any amendment to a certificate. When he or she finds reason to question the validity or adequacy of evidence submitted, the amendment may be rejected and the applicant advised of the reasons for this action.

(c) Corrections to a certificate made by affidavit must be completed within one (1) year from the date of the application for correction. After one (1) year the file will be closed. The file can be opened again by the resubmission of acceptable evidence.

(d) After an item on a certificate has been amended, that item can only be amended or changed again by a court order.

(e) All corrections to a certificate made by affidavit must be done at one time. Any corrections thereafter will require a court order.

(f) The Affidavit of Correction shall become a part of the original certificate.

(g) A certificate which has been prepared or amended by court order can only be changed or amended again by a court order.

**Section 3.** Amendments by Court Order.

(a) An item on a certificate can be changed upon receipt of a certified copy of a court order from a court of competent jurisdiction.

(b) The court order must be specific as to the changes to be made on the certificate.

(c) If the court order specifies that a new certificate be prepared, the original certificate and relevant correspondence shall be retained on file in Vital Records Services. The new certificate shall be prepared on the form in use at the time the original certificate was prepared if possible.

(d) If the court order does not specify that a new certificate be prepared, an abstract of the court order will be attached to the existing certificate. The abstract will state the date of the order, the order number, the name and location of the court, the data appearing on the original certificate that is to be changed and the new data. The abstract will become part of the certificate.

(e) The certified copy of the court order will be retained by Vital Records Services.

**Section 4.** Birth Certificate Correction.

(a) Application for correction. The following persons may apply to correct an item on the birth certificate:

- (i) One of the parents listed on the certificate;
- (ii) A legal guardian upon presentation of proof of guardianship;
- (iii) The registrant if of legal age;
- (iv) The individual responsible for preparing the certificate.

(b) Correction or addition of given names.

(i) Within the first year following birth, given names may be changed, added, deleted or corrected upon receipt of a signed request of the parents named on the certificate, or

the guardian or agency having legal custody. Before the first birthday, the name is added to the face of the birth certificate.

(ii) The child's name may be added before the child's seventh birthday on certificates bearing no given name upon receipt of a signed request of the parents named on the certificate, or the guardian or agency having legal custody. After the first birthday, the name is added by affidavit and the certificate is marked "Amended." After the seventh birthday, the name is added by affidavit and documentary evidence is required.

(c) Amendment of surname.

(i) The surname cannot be changed except upon receipt of a certified copy of a court order of a court of competent jurisdiction.

(ii) Within the first year of birth, spelling and typographical errors may be corrected by a request signed by the parents named on the certificate, or the hospital responsible for preparing the birth certificate.

(iii) After the first year spelling and typographical errors may be corrected by affidavit and documentary evidence.

(iv) Surname suffixes such as Jr., II, etc. are considered part of the surname and the above rules apply.

(d) Date, place and hour of birth. Within the first year of birth corrections to date, place and hour of birth may be made upon receipt of a signed statement from the hospital where the birth occurred or from the attending physician. In the absence of the above, the certifier may make the correction with acceptable evidence.

(e) Sex as stated on birth certificate.

(i) The sex may only be amended by receipt of a signed statement from the hospital or attending physician where the birth occurred indicating sex at birth. In the absence of the above, the State Registrar may correct the sex designation on a birth record if there is acceptable evidence that an error occurred in the recording of the person's sex at the time of birth. If the State Registrar believes the evidence submitted by the applicant is fraudulent, inadequate, or not authentic, the application for a change to the sex designation will be denied, whereupon the applicant will be advised in writing of the State Registrar's decision.

(f) If the State Registrar ascertains a correction should be made on a certificate and correction proceedings are not completed by the registrant, any copies of the certificate issued shall be stamped "Pending Correction."

**Section 5.** Death Certificate Correction.

(a) Application for correction. The following persons may apply to amend a death certificate with the exception of the medical certification:

- (i) Next of kin;
- (ii) Informant listed on certificate;
- (iii) Funeral director listed on certificate.

(b) Marital status and surviving spouse.

- (i) These items will not be changed on the face of the death certificate.
- (ii) Changes can be made only by an Affidavit of Correction form signed by the person listed as the informant on the death certificate or upon receipt of a court order.
- (iii) Additional evidence may be required to substantiate the amendment.

(c) The medical certification of cause of death may be changed only upon receipt of a signed statement from the physician or coroner who signed the certificate. In the case of the death or incapacity of the certifying physician, a signed statement from an associate physician with access to the medical records may be accepted. In case of the death or incapacity of the certifying coroner, a signed statement from the coroner's successor may be accepted.

**Section 6. Marriage Certificate Correction.**

(a) Application for correction. The following person may apply to amend a marriage certificate:

- (i) Groom;
- (ii) Bride;
- (iii) Officiant;
- (iv) County Clerk.

(b) When marriage certificates are amended, the county clerk who issued the license shall be informed of the items corrected and what evidence was used to justify the correction.

**Section 7. Divorce Certificate Correction.** No corrections may be made on a divorce certificate unless the court granting the divorce authorizes such corrections in a signed statement submitted to the State Registrar of Vital Records.

## Chapter 10 Corrections and Amendments

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(c) Corrections to a certificate made by affidavit must be completed within one (1) year from the date of the application for correction. After one (1) year the file will be closed. The file can be opened again by the resubmission of acceptable evidence.

(d) After an item on a certificate has been amended, that item can only be amended or changed again by a court order.

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(c) If the court order specifies that a new certificate be prepared, the original certificate and relevant correspondence shall be retained on file in Vital Records Services. The new certificate shall be prepared on the form in use at the time the original certificate was prepared if possible.

(d) If the court order does not specify that a new certificate be prepared, an abstract of the court order will be attached to the existing certificate. The abstract will state the date of the order, the order number, the name and location of the court, the data appearing on the original certificate that is to be changed and the new data. The abstract will become part of the certificate.

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(e) Sex as stated on birth certificate.

(i) ~~Within the first year~~ The certificate sex may only be amended by receipt of a signed statement from the hospital or attending physician where the birth occurred by a statement from the attending physician indicating sex at birth. In the absence of the above, the State Registrar may correct the sex designation on a birth record if there is acceptable evidence that an error occurred in the recording of the person's sex at the time of birth. If the State Registrar believes the evidence submitted by the applicant is fraudulent, inadequate, or not authentic, the application for a change to the sex designation will be denied, whereupon the applicant will be advised in writing of the State Registrar's decision.

~~(ii) After the first year the certificate may be amended by an affidavit and a statement from a physician.~~

~~(iii) When the sex of an individual has been changed, a court order shall be required to amend the birth certificate.~~

(f) If the State Registrar ascertains a correction should be made on a certificate and correction proceedings are not completed by the registrant, any copies of the certificate issued shall be stamped "Pending Correction."

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