

January 28, 2022

CONSULTATION DRAFT

AN ACT TO AMEND THE VITAL STATISTICS ACT

BILL NO.

2022

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. (1) Clause 12(1)(b) of the *Vital Statistics Act R.S.P.E.I. 1988, Cap. V-4.1*, is repealed and the following substituted:

- (b) where the person is under 16 years of age,
 - (i) a written statement of a medical practitioner or nurse practitioner who is authorized by law to practise in the jurisdiction where the practitioner treated or assessed the person, confirming that the sex recorded on the person's registration of birth does not correspond with the person's gender identity, and
 - (ii) subject to subsection (1.1), the written consent of each of the person's parents;

(2) Section 12 of the Act is amended by the addition of the following after subsection (1):

Court may dispense with consent

(1.1) Where a parent is unable or unwilling to give written consent as required in subclause 12(1)(b)(ii), the Supreme Court may make an order dispensing with the parent's consent, if the court believes it is in the best interests of the applicant to do so.

2. Subsection 16(1) of the Act is amended by the deletion of the words "he or she" and the substitution of the words ", the person".

3. Clause 20(1)(a) of the Act is amended by the deletion of the words "his or her" and the substitution of the words "the deceased's".

4. Clause 24(5)(c) of the Act is amended by the deletion of the words "his or her" and the substitution of the words "the funeral director's".

5. Clause 32(1)(f) of the Act is amended by the deletion of the words "his or her" and the substitution of the words "the public officer's".

EXPLANATORY NOTES

SECTION 1 repeals and replaces clause 12(1)(b) of the Act to specify requirements applicable only to a person under 16 years of age who is applying to record a change of sex on the person's registration of birth. It also adds a new subsection 12(1.1) providing for the Supreme Court to waive a parental consent requirement in the best interests of the applicant.

SECTIONS 2 - 5 substitute gender-neutral language for gender-specific language.