

Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: November 28, 2016

SUBJECT: Fiscal Impact Statement - Death Certificate Gender Identity
Recognition Amendment Act of 2016

REFERENCE: Bill 21-444, Committee Print as shared with the Office of Revenue
Analysis on November 16, 2016

Conclusion

Funds are sufficient in the fiscal year 2017 through fiscal year 2020 budget and financial plan to implement the bill.

Background

The bill establishes¹ a procedure for reporting a decedent's gender identity or expression on a death certificate. The bill requires a decedent's gender identity or expression to be reported to a funeral director by persons with the right to control the disposition of the remains of a decedent. The person reporting a decedent's gender is exempt from liability for damages or costs arising from claims related to the reporting of the decedent's gender, unless the claims were the result of an error.

The bill establishes a procedure for individuals to pre-designate their gender identity or expression for reporting on a death certificate with the District of Columbia Registrar of Vital Records ("Registrar"). Prior to filing a death certificate, the bill requires the Registrar to check to see whether the decedent has a pre-designated gender identity or expression on file.

¹ By amending The Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-201 et seq.).

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FIS: "Death Certificate Gender Identity Recognition Amendment Act of 2016," Committee Print as shared with the Office of Revenue Analysis on November 16, 2016.

The bill allows a decedent's next of kin or next best qualified person² to file a petition in Superior Court seeking a court order to determine the gender identity or expression to be recorded on a death certificate. Testimony and documents that provide evidence of a decedent's gender identity or expression may be presented to the Superior Court to support an amendment to a decedent's death certificate. The Registrar must amend a decedent's death certificate to reflect a Superior Court ruling.

Financial Plan Impact

Funds are sufficient in the fiscal year 2017 through fiscal year 2020 budget and financial plan to implement the bill. The Registrar of Vital Records must update the vital statistics system at a cost of \$15,000 to include an additional field for pre-designation of a decedent's gender identity or expression. The Registrar is a division of the Department of Health, and the Department is able to absorb the cost of implementing this bill.

² Includes persons who were most familiar with the decedent at the time of their death or engaged in conversations about gender identity or expression with the decedent.