



Province of Alberta

# **VITAL STATISTICS AND LIFE EVENTS MODERNIZATION ACT**

Statutes of Alberta, 2016  
Chapter 26

(not in force provisions only current as of June 7, 2018)

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer  
Suite 700, Park Plaza  
10611 - 98 Avenue  
Edmonton, AB T5K 2P7  
Phone: 780-427-4952  
Fax: 780-452-0668

E-mail: [qp@gov.ab.ca](mailto:qp@gov.ab.ca)  
Shop on-line at [www.qp.alberta.ca](http://www.qp.alberta.ca)

### **Copyright and Permission Statement**

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20\_\_.\*

\*The year of first publication of the legal materials is to be completed.

### **Note**

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

# **VITAL STATISTICS AND LIFE EVENTS MODERNIZATION ACT**

## **Chapter 26**

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

### **Part 1 Vital Statistics Act**

#### **Amends SA 2007 cV-4.1**

**1 The *Vital Statistics Act* is amended by this Part.**

**2 Section 1(1) is amended**

- (b) **in clause (e) by adding** “but does not include a commemorative certificate referred to in section 48.1” **after** “filed in the office of the Registrar”;

**11 Section 14 is amended**

(a) **by adding the following after subsection (1):**

**(1.1)** The new birth registration document must show

- (a) the child’s date of birth, place of birth and sex recorded on the original birth registration document, and
- (b) the particulars respecting parents or parentage in accordance with the regulations.

**24 Section 23 is amended**

(c) **by repealing subsection (5);**

**31 Part 4 is repealed and the following is substituted:****Part 4  
Amendment of Sex****Application**

**30** An application for amendment of the sex on a person's birth record that is registered in Alberta must be made on the grounds that the person identifies with and is maintaining the gender identity that corresponds with the requested amendment of the sex on the birth record.

**Eligibility to apply**

**30.1(1)** A person may apply for an amendment under this Part if

- (a) the person is at least 18 years of age and is applying to amend the sex on the person's own birth record,
- (b) the person is less than 18 years of age but is married, widowed, divorced or an adult interdependent partner or is a parent or guardian of a minor and is applying to amend the sex on the person's own birth record,
- (c) the person is a parent or guardian of a minor and is applying to amend the sex on the minor's birth record, or
- (d) the person is applying to amend the sex on a minor's birth record and there is a court order under section 69 dispensing with the parents' and guardians' consents.

**(2)** The consent of both parents listed on the minor's birth record is required for an application under subsection (1)(c) unless

- (a) where the applicant is a parent, the applicant makes an affidavit stating that the applicant is the only guardian,
- (b) there is a court order that appoints guardians in lieu of the parents, in which case the consent of those guardians is required and the parents' consent is not required, or
- (c) there is a court order under section 69 dispensing with the consents of the parents or guardians who do not consent.

**(3)** If there is a court order that appoints guardians in addition to the parents, the consent of those guardians to an application under subsection (1)(c) is also required unless there is a court

order under section 69 dispensing with the consents of those guardians.

(4) If an application under subsection (1) is in respect of a minor who is 12 years of age or older and who is not the applicant, the minor's consent is required unless there is a court order under section 69 dispensing with the consent of the minor.

(5) The consents required under subsections (2), (3) and (4) must include the information required by the regulations.

**Application requirements**

**30.2(1)** An application under this Part must include an original affidavit executed by the applicant setting out the following information about the person whose birth record is to be amended:

- (a) the person's name as it appears on the birth record and any other name used;
- (b) the person's date of birth;
- (c) the amendment of the sex on the birth record that is being requested;
- (d) a statement confirming that the person identifies with and is maintaining the gender identity that corresponds with the requested amendment of the sex on the birth record.

(2) An application under this Part must be made in a form satisfactory to the Registrar and must include the following:

- (a) unless clause (b) applies, a statement from one of the following professionals containing the information required by the regulations:
  - (i) a physician;
  - (ii) a regulated member of the College of Alberta Psychologists under the *Health Professions Act* who holds a practice permit issued under that Act;
  - (iii) a regulated member of the Alberta College of Social Workers under the *Health Professions Act* who holds a practice permit issued under that Act;
  - (iv) a regulated member of the College and Association of Registered Nurses of Alberta under the *Health*

*Professions Act* who holds a practice permit issued under that Act;

- (v) a person who is practising and who is authorized in a jurisdiction other than Alberta to practise a health profession equivalent to that practised by a person referred to in subclause (i), (ii), (iii) or (iv);
  - (vi) a medical professional identified in the regulations;
- (b) if an amendment of the sex of the person has occurred in accordance with the laws of a jurisdiction other than Alberta, a notice satisfactory to the Registrar issued by an official responsible for the registration of vital statistics in that jurisdiction;
- (c) the prescribed additional information.

**Registrar's powers and duties**

**30.3(1)** On receipt of an application for amendment of the sex on a birth record under this Part and payment of the prescribed fee, the Registrar shall, if satisfied that this Act has been complied with, amend the sex on the birth record accordingly.

**(2)** The Registrar may require any person to return to the Registrar any previously issued birth certificate or certified copies of the birth record in the person's possession.

**Amendment of sex on record of subsisting marriage**

**30.4(1)** The following persons may request that the sex on the record of a subsisting marriage that is registered in Alberta be amended:

- (a) an applicant or the person whose birth record is to be amended in an application under this Part, by submitting the request with that application;
- (b) the other party to the subsisting marriage, by providing, in addition to the information referred to in subsection (2),
  - (i) a certified copy of the amended registration of birth or a copy of the new birth certificate, or
  - (ii) all the documents that would be required if a party to the subsisting marriage were making an application under this Part.

**(2)** On receipt of a request for amendment of the sex on the record of a subsisting marriage in the form of an affidavit and

payment of the prescribed fee, the Registrar shall amend the sex on the record of the subsisting marriage if satisfied

- (a) that proof of the consent of the other party to the subsisting marriage has been provided in accordance with the regulations, and
- (b) that this Act has otherwise been complied with.

(3) The Registrar may require any person to return to the Registrar any previously issued marriage certificate or certified copy of the record of marriage in the person's possession.

**36 Section 42 is amended**

- (c) **by repealing subsection (5) and substituting the following:**

(5) Except as provided for in subsection (2)(d), if the cause of death does not appear in the records of the Registrar, the Registrar shall not issue a disinterment permit.

- (d) **in subsection (6) by striking out** “, or the Chief Medical Examiner under subsection (5),”.

**37 Section 43 is amended**

- (a) **by adding the following after subsection (2):**

(2.1) The Registrar shall not issue a reinterment permit unless the Registrar has issued a disinterment permit under section 42.

**41 The following is added after section 48:**

**Commemorative certificates**

**48.1(1)** Any person authorized by the regulations who

- (a) applies to the Registrar and provides the prescribed information,
- (b) furnishes the prescribed proof of identity, and
- (c) pays the prescribed fee,

may obtain a commemorative certificate in respect of the registration of the birth, stillbirth, marriage, change of name or death of any person if the Registrar is satisfied that it is not to be used for an unlawful or improper purpose.

(2) A commemorative certificate referred to in subsection (1) must contain the information set out in the regulations.

(3) If the Registrar considers it in the public interest to do so, the Registrar may refuse to issue a commemorative certificate under subsection (1).

**63 This Act, except the following provisions, comes into force on Proclamation:**

section 1;  
section 2(c) and (g);  
section 3;  
section 5(b), (c) and (e);  
section 6(b), (c) and (d);  
section 9;  
section 11(b) and (c);  
section 22;  
section 23(b);  
section 24(f);  
section 25(b) and (c);  
section 26(b);  
section 29;  
section 30;  
section 32;  
section 33(a) and (b);  
section 34;  
section 36(a) and (b);  
section 42;  
section 43;  
section 44 to the extent that it enacts section 51.1;  
section 46;  
section 47;  
section 49;  
section 50;  
section 51;  
sections 54 to 59.









Printed on Recycled Paper 