

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

February 6, 2019

Committee on Health & Insurance.

After consideration on the merits, the Committee recommends the following:

HB19-1039 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, **add** 25-2-113.8 as
4 follows:

5 **25-2-113.8. Birth certificate modernization act - new birth**
6 **certificate following a change in gender designation - short title.**

7 (1) THE SHORT TITLE OF THIS SECTION IS THE "2019 BIRTH CERTIFICATE
8 MODERNIZATION ACT".

9 (2) (a) A BIRTH CERTIFICATE ISSUED AT THE TIME OF BIRTH MUST
10 IDENTIFY THE PERSON'S SEX AS MALE OR FEMALE.

11 (b) AN AMENDED BIRTH CERTIFICATE MAY BE ISSUED TO CHANGE
12 THE SEX DESIGNATION OF THE PERSON TO MALE, FEMALE, OR "X"
13 PURSUANT TO THE REQUIREMENTS OF THIS SECTION. "X" IS A DESIGNATION
14 THAT IS NEITHER MALE NOR FEMALE.

15 (3) THE STATE REGISTRAR SHALL ISSUE A NEW BIRTH CERTIFICATE
16 TO A PERSON WHO WAS BORN IN THIS STATE AND WHO HAS A GENDER
17 DIFFERENT FROM THE SEX DENOTED ON THAT PERSON'S BIRTH CERTIFICATE
18 WHEN THE STATE REGISTRAR RECEIVES:

19 (a) A WRITTEN REQUEST FROM THE PERSON, OR FROM THE
20 PERSON'S PARENT, IF THE PERSON IS A MINOR, OR FROM THE PERSON'S
21 GUARDIAN OR LEGAL REPRESENTATIVE, SIGNED UNDER PENALTY OF LAW,
22 TO ISSUE A NEW BIRTH CERTIFICATE WITH A GENDER DESIGNATION THAT
23 DIFFERS FROM THE SEX DESIGNATED ON THE PERSON'S ORIGINAL BIRTH

1 CERTIFICATE; AND
2 (b) (I) A STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE
3 STATE REGISTRAR, FROM THE PERSON, OR FROM THE PERSON'S PARENT, IF
4 THE PERSON IS A MINOR, OR FROM THE PERSON'S GUARDIAN OR LEGAL
5 REPRESENTATIVE, SIGNED UNDER PENALTY OF LAW, CONFIRMING THE SEX
6 DESIGNATION ON THE PERSON'S BIRTH CERTIFICATE DOES NOT ALIGN WITH
7 THE PERSON'S GENDER IDENTITY; AND
8 (II) IF THE PERSON IS A MINOR UNDER THE AGE OF EIGHTEEN, A
9 STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE STATE
10 REGISTRAR, SIGNED UNDER PENALTY OF LAW, FROM A PROFESSIONAL
11 MEDICAL OR MENTAL HEALTH CARE PROVIDER LICENSED IN GOOD
12 STANDING IN COLORADO OR AN EQUIVALENT LICENSE IN GOOD STANDING
13 FROM ANOTHER JURISDICTION, STATING THAT:
14 (A) THE MINOR HAS UNDERGONE SURGICAL, HORMONAL, OR
15 OTHER TREATMENT APPROPRIATE FOR THAT PERSON FOR THE PURPOSE OF
16 GENDER TRANSITION, BASED ON CONTEMPORARY MEDICAL STANDARDS,
17 AND, IN THE PROVIDER'S PROFESSIONAL OPINION, THE MINOR'S GENDER
18 DESIGNATION SHOULD BE CHANGED ACCORDINGLY; OR
19 (B) THE MINOR HAS AN INTERSEX CONDITION, AND, IN THE
20 PROVIDER'S PROFESSIONAL OPINION, THE MINOR'S GENDER DESIGNATION
21 SHOULD BE CHANGED ACCORDINGLY.
22 (4) NOTWITHSTANDING SUBSECTION (3) OF THIS SECTION, THE
23 STATE REGISTRAR SHALL ISSUE A NEW BIRTH CERTIFICATE TO A PERSON
24 WITH A COURT ORDER INDICATING THE SEX OR GENDER OF THE PERSON
25 BORN IN THE STATE OF COLORADO HAS BEEN CHANGED.
26 (5) THE STATE REGISTRAR MAY ONLY AMEND A GENDER
27 DESIGNATION FOR AN INDIVIDUAL'S BIRTH CERTIFICATE ONE TIME UPON
28 THE INDIVIDUAL'S REQUEST. ANY FURTHER REQUESTS FROM THE
29 INDIVIDUAL FOR ADDITIONAL GENDER DESIGNATION CHANGES REQUIRE
30 THE SUBMISSION OF A COURT ORDER INDICATING THAT THE GENDER
31 DESIGNATION CHANGE IS REQUIRED.
32 (6) THE STATE REGISTRAR IS AUTHORIZED TO CONTACT THE
33 MEDICAL OR MENTAL HEALTH CARE PROVIDER TO VERIFY A STATEMENT
34 MADE PURSUANT TO SUBSECTION (3)(b)(II) OF THIS SECTION.
35 (7) IF A NEW BIRTH CERTIFICATE IS ISSUED PURSUANT TO THIS
36 SECTION, THE BIRTH CERTIFICATE MUST REFLECT, OR BE REISSUED TO
37 REFLECT, ANY LEGAL NAME CHANGE MADE BEFORE OR SIMULTANEOUS TO
38 THE CHANGE IN GENDER DESIGNATION, AS LONG AS APPROPRIATE
39 DOCUMENTATION OF THE NAME CHANGE IS SUBMITTED.
40 (8) THE STATE REGISTRAR SHALL NOT REQUEST ANY ADDITIONAL
41 INFORMATION OR RECORDS OTHER THAN THOSE REQUIRED BY SUBSECTION

1 (3) OR (4) OF THIS SECTION TO PROCESS A REQUEST TO MODIFY A GENDER
2 DESIGNATION. THE STATE REGISTRAR SHALL NOT DISCLOSE INFORMATION
3 RELATING TO A GENDER CORRECTION, INCLUDING TO OTHER GOVERNMENT
4 EMPLOYEES, UNLESS REQUIRED IN ORDER TO CONDUCT OFFICIAL BUSINESS.

5 (9) WHEN THE STATE REGISTRAR RECEIVES THE DOCUMENTATION
6 DESCRIBED IN SUBSECTION (3) OF THIS SECTION, THE STATE REGISTRAR
7 SHALL ISSUE A NEW BIRTH CERTIFICATE REFLECTING THE NEW GENDER
8 DESIGNATION AND, IF APPLICABLE, THE PERSON'S NEW NAME.
9 NOTWITHSTANDING SECTION 25-2-115 (1), THE NEW BIRTH CERTIFICATE
10 SUPERSEDES THE ORIGINAL AS THE OFFICIAL PUBLIC RECORD AND MUST
11 NOT BE MARKED AS AMENDED OR INDICATE IN ANY OTHER MANNER THAT
12 THE GENDER DESIGNATION OR NAME ON THE CERTIFICATE HAS BEEN
13 CHANGED.

14 (10) IN THE CASE OF A PERSON WHO IS A RESIDENT OF THIS STATE
15 AND WAS BORN IN ANOTHER STATE OR IN A FOREIGN JURISDICTION, IF THE
16 OTHER STATE OR FOREIGN JURISDICTION REQUIRES A COURT DECREE IN
17 ORDER TO AMEND A BIRTH CERTIFICATE TO REFLECT A CHANGE IN GENDER,
18 THE COURTS IN THIS STATE HAVE JURISDICTION TO ISSUE SUCH A DECREE.

19 **SECTION 2.** In Colorado Revised Statutes, 25-2-115, **amend** (1);
20 and **repeal** (4) as follows:

21 **25-2-115. Alteration of reports and certificates - amended**
22 **reports and certificates.** (1) A vital statistics report or certificate shall
23 not ever be altered in any way except in accordance with this article 2 and
24 applicable rules. ~~The~~ EXCEPT FOR AMENDED BIRTH CERTIFICATES ISSUED
25 PURSUANT TO SECTION 25-2-113.8, THE date of alteration and a summary
26 description of the evidence submitted in support of the alteration must be
27 endorsed on or made a part of each vital statistics certificate that is
28 altered. Every vital statistics report or certificate that is altered in any way
29 must be marked "Amended", except FOR AMENDED BIRTH CERTIFICATES
30 ISSUED PURSUANT TO SECTION 25-2-113.8; the birth report or certificate
31 of a child altered by the addition of a father's name pursuant to section
32 25-2-112 (3), in which case, upon request of the parents, the surname of
33 the child shall be changed on the report and certificate to that of the
34 father; ~~and also except~~ OR additions and minor corrections made within
35 one year after the date of the statistical event as may be specified by
36 applicable rules. A child's surname may be changed upon affidavit of the
37 parent that the change is being made to conform the child's surname to the
38 parent's legal surname.

39 ~~(4) Upon receipt of a certified copy of an order of a court of~~
40 ~~competent jurisdiction indicating that the sex of an individual born in this~~
41 ~~state has been changed by surgical procedure and that such individual's~~

1 ~~name has been changed, the certificate of birth of such individual shall be~~
2 ~~amended as prescribed by regulation.~~

3 **SECTION 3.** In Colorado Revised Statutes, 42-2-107, **amend**
4 (2)(a) as follows:

5 **42-2-107. Application for license or instruction permit -**
6 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**
7 **and tissue donation awareness fund - legislative declaration - rules -**
8 **annual report - repeal.** (2) (a) (I) Every application shall state the full
9 name, date of birth, sex, and residence address of the applicant; briefly
10 describe the applicant; be signed by the applicant with such applicant's
11 usual signature; have affixed thereon the applicant's fingerprint; and state
12 whether the licensee has ever been licensed as a minor driver or driver
13 and, if so, when and by what state or country and whether any such
14 license has ever been denied, suspended, or revoked, the reasons therefor,
15 and the date thereof. These statements shall be verified by the applicant's
16 signature thereon.

17 (II) THE DEPARTMENT SHALL ISSUE A NEW DRIVER'S LICENSE OR
18 IDENTITY DOCUMENT TO A PERSON WHO HAS A GENDER DIFFERENT FROM
19 THE SEX DENOTED ON THAT PERSON'S DRIVER'S LICENSE OR IDENTITY
20 DOCUMENT WHEN THE DEPARTMENT RECEIVES:

21 (A) A STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE
22 DEPARTMENT, FROM THE PERSON, OR FROM THE PERSON'S PARENT, IF THE
23 PERSON IS A MINOR, OR FROM THE PERSON'S GUARDIAN OR LEGAL
24 REPRESENTATIVE, SIGNED UNDER PENALTY OF LAW, CONFIRMING THE SEX
25 DESIGNATION ON THE PERSON'S DRIVER'S LICENSE OR IDENTITY DOCUMENT
26 DOES NOT ALIGN WITH THE PERSON'S GENDER IDENTITY; AND

27 (B) IF THE PERSON IS A MINOR UNDER THE AGE OF EIGHTEEN, A
28 STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE DEPARTMENT,
29 SIGNED UNDER PENALTY OF LAW, FROM A PROFESSIONAL MEDICAL OR
30 MENTAL HEALTH CARE PROVIDER LICENSED IN GOOD STANDING IN
31 COLORADO OR AN EQUIVALENT LICENSE IN GOOD STANDING FROM
32 ANOTHER JURISDICTION, STATING THAT THE MINOR HAS UNDERGONE
33 SURGICAL, HORMONAL, OR OTHER TREATMENT APPROPRIATE FOR THAT
34 PERSON FOR THE PURPOSE OF GENDER TRANSITION, BASED ON
35 CONTEMPORARY MEDICAL STANDARDS, AND, IN THE PROVIDER'S
36 PROFESSIONAL OPINION, THE MINOR'S GENDER DESIGNATION SHOULD BE
37 CHANGED ACCORDINGLY, OR THE MINOR HAS AN INTERSEX CONDITION,
38 AND, IN THE PROVIDER'S PROFESSIONAL OPINION, THE MINOR'S GENDER
39 DESIGNATION SHOULD BE CHANGED ACCORDINGLY; OR

40 (C) A NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION
41 25-2-113.8.

1 (III) THE DEPARTMENT MAY ONLY AMEND A SEX DESIGNATION FOR
2 AN INDIVIDUAL'S DRIVER'S LICENSE OR IDENTITY DOCUMENT ONE TIME
3 UPON THE INDIVIDUAL'S REQUEST. ANY FURTHER REQUESTS FROM THE
4 INDIVIDUAL FOR ADDITIONAL SEX DESIGNATION CHANGES REQUIRE THE
5 SUBMISSION OF A COURT ORDER INDICATING THAT THE SEX DESIGNATION
6 CHANGE IS REQUIRED.

7 ~~(H)~~ (IV) In addition to the information required by ~~subparagraph~~
8 ~~(I) of this paragraph (a)~~ SUBSECTION (2)(a)(I) OF THIS SECTION, every
9 application shall include the opportunity for the applicant to self-identify
10 his or her race or ethnicity. The race or ethnicity information that may be
11 identified on the application shall not be printed on the driver's license but
12 shall be maintained in the stored information as defined by section
13 42-2-114 (1)(b). That information must be accessible to a law
14 enforcement officer through magnetic or electronic readers.

15 **SECTION 4.** In Colorado Revised Statutes, 13-15-102, **add** (4)
16 as follows:

17 **13-15-102. Publication of change.** (4) A PETITIONER NEED NOT
18 GIVE PUBLIC NOTICE OF A NAME CHANGE AS REQUIRED BY SUBSECTION (1)
19 OF THIS SECTION IF THE PETITIONER IS CHANGING THE PETITIONER'S NAME
20 TO CONFORM WITH THE PETITIONER'S GENDER IDENTITY.

21 **SECTION 5. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety."

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