

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 13, 2019

Committee on Judiciary.

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 on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 8, after line 7 insert:
2 "SECTION 4. In Colorado Revised Statutes, 42-2-302, **add** (2.5)
3 as follows:
4 **42-2-302. Department may or shall issue - limitations - rules.**
5 (2.5) (a) THE DEPARTMENT SHALL ISSUE A NEW IDENTIFICATION CARD TO
6 A PERSON WHO HAS A GENDER DIFFERENT FROM THE SEX DENOTED ON
7 THAT PERSON'S IDENTIFICATION CARD WHEN THE DEPARTMENT RECEIVES:
8 (I) A STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE
9 DEPARTMENT, FROM THE PERSON, OR FROM THE PERSON'S PARENT, IF THE
10 PERSON IS A MINOR, OR FROM THE PERSON'S GUARDIAN OR LEGAL
11 REPRESENTATIVE, SIGNED UNDER PENALTY OF LAW, CONFIRMING THE SEX
12 DESIGNATION ON THE PERSON'S IDENTIFICATION CARD DOES NOT ALIGN
13 WITH THE PERSON'S GENDER IDENTITY; AND
14 (II) IF THE PERSON IS A MINOR UNDER THE AGE OF EIGHTEEN, A
15 STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE DEPARTMENT,
16 SIGNED UNDER PENALTY OF LAW, FROM A PROFESSIONAL MEDICAL OR
17 MENTAL HEALTH CARE PROVIDER LICENSED IN GOOD STANDING IN
18 COLORADO OR AN EQUIVALENT LICENSE IN GOOD STANDING FROM
19 ANOTHER JURISDICTION, STATING THAT THE MINOR HAS UNDERGONE
20 SURGICAL, HORMONAL, OR OTHER TREATMENT APPROPRIATE FOR THAT
21 PERSON FOR THE PURPOSE OF GENDER TRANSITION, BASED ON
22 CONTEMPORARY MEDICAL STANDARDS, AND, IN THE PROVIDER'S
23 PROFESSIONAL OPINION, THE MINOR'S GENDER DESIGNATION SHOULD BE
24 CHANGED ACCORDINGLY, OR THE MINOR HAS AN INTERSEX CONDITION,

1 AND, IN THE PROVIDER'S PROFESSIONAL OPINION, THE MINOR'S GENDER
2 DESIGNATION SHOULD BE CHANGED ACCORDINGLY; OR

3 (III) A NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION
4 25-2-113.8.

5 (b) THE DEPARTMENT MAY ONLY AMEND A SEX DESIGNATION FOR
6 AN INDIVIDUAL'S IDENTIFICATION CARD ONE TIME UPON THE INDIVIDUAL'S
7 REQUEST. ANY FURTHER REQUESTS FROM THE INDIVIDUAL FOR
8 ADDITIONAL SEX DESIGNATION CHANGES REQUIRE THE SUBMISSION OF A
9 COURT ORDER INDICATING THAT THE SEX DESIGNATION CHANGE IS
10 REQUIRED.

11 **SECTION 5.** In Colorado Revised Statutes, 42-2-505, **add** (1.5)
12 as follows:

13 **42-2-505. Identification documents - individuals not lawfully**
14 **present - rules.** (1.5) (a) THE DEPARTMENT SHALL ISSUE A NEW
15 IDENTIFICATION DOCUMENT TO A PERSON WHO HAS A GENDER DIFFERENT
16 FROM THE SEX DENOTED ON THAT PERSON'S IDENTIFICATION DOCUMENT
17 WHEN THE DEPARTMENT RECEIVES:

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

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

37 (III) A NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION
38 25-2-113.8.

39 (b) THE DEPARTMENT MAY ONLY AMEND A SEX DESIGNATION FOR
40 AN INDIVIDUAL'S IDENTIFICATION DOCUMENT ONE TIME UPON THE
41 INDIVIDUAL'S REQUEST. ANY FURTHER REQUESTS FROM THE INDIVIDUAL

1 FOR ADDITIONAL SEX DESIGNATION CHANGES REQUIRE THE SUBMISSION OF
2 A COURT ORDER INDICATING THAT THE SEX DESIGNATION CHANGE IS
3 REQUIRED."

4 Renumber succeeding sections accordingly.

5 Strike "OR IDENTITY DOCUMENT" on: **Page 6**, lines 23 and 24, and 25 and
6 26; and **Page 7**, lines 4 and 22.

** ** ** ** **