SENATE COMMITTEE OF REFERENCE REPORT

February 26, 2020

Chair of Committee Date

Committee on Health & Human Services.

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

SB20-166 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, after line 7, insert:

"SECTION 2. In Colorado Revised Statutes, 42-2-107, amend (2)(a)(II) as follows:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to Emily Keyes - John W. Buckner organ and tissue donation awareness fund - legislative declaration - rules - annual report - repeal. (2) (a) (II) The department shall issue a new driver's license to a person who has a gender different from the sex denoted on that person's driver's license when the department receives a NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION 25-2-113.8 OR WHEN THE DEPARTMENT RECEIVES:

(A) A statement, in a form or format designated by the department, from the person, or from the person's parent if the person is a minor, or from the person's guardian or legal representative, signed under penalty of law, confirming the sex designation on the person's driver's license does not align with the person's gender identity; and

(B) If the person is a minor under the age of eighteen, a statement, in a form or format designated by the department, signed under penalty of law, from a professional medical or mental health care provider licensed in good standing in Colorado or with an equivalent license in good standing from another jurisdiction, stating that the minor has undergone surgical, hormonal, or other treatment appropriate for that person for the purpose of gender transition, based on contemporary medical standards, and, in the provider's professional opinion, the minor's
gender designation should be changed accordingly, or the minor has an
intersex condition, and, in the provider's professional opinion, the minor's
gender designation should be changed accordingly; or

THE SEX
DESIGNATION ON THE BIRTH CERTIFICATE DOES NOT ALIGN WITH THE
MINOR'S GENDER IDENTITY. THIS SUBSECTION (2)(a)(II)(B) DOES NOT
REQUIRE A MINOR TO UNDERGO ANY SPECIFIC SURGERY, TREATMENT,
CLINICAL CARE, OR BEHAVIORAL HEALTH CARE.

(C) A new birth certificate issued pursuant to section 25-2-113.8.

SECTION 3. In Colorado Revised Statutes, 42-2-302, amend
(2.5)(a) as follows:

42-2-302. Department may or shall issue - limitations - rules.
(2.5) (a) The department shall issue a new identification card to a person
who has a gender different from the sex denoted on that person's
identification card when the department receives A NEW BIRTH
CERTIFICATE ISSUED PURSUANT TO SECTION 25-2-113.8 OR WHEN THE
DEPARTMENT RECEIVES:

(I) (A) A statement, in a form or format designated by the
department, from the person, or from the person's parent if the person is
a minor, or from the person's guardian or legal representative, signed
under penalty of law, confirming the sex designation on the person's
identification card does not align with the person's gender identity; and

(B) If the person is a minor under the age of eighteen, a
statement, in a form or format designated by the department, signed under
penalty of law, from a professional medical or mental health care provider
licensed in good standing in Colorado or with an equivalent license in
good standing from another jurisdiction, stating that the minor has
undergone surgical, hormonal, or other treatment appropriate for that
person for the purpose of gender transition, based on contemporary
medical standards, and, in the provider's professional opinion, the minor's
gender designation should be changed accordingly, or the minor has an
intersex condition, and, in the provider's professional opinion, the minor's
gender designation should be changed accordingly; or

THE SEX
DESIGNATION ON THE BIRTH CERTIFICATE DOES NOT ALIGN WITH THE
MINOR'S GENDER IDENTITY. THIS SUBSECTION (2.5)(a)(II) DOES NOT
REQUIRE A MINOR TO UNDERGO ANY SPECIFIC SURGERY, TREATMENT,
CLINICAL CARE, OR BEHAVIORAL HEALTH CARE.


SECTION 4. In Colorado Revised Statutes, 42-2-505, amend
(1.5)(a) as follows:

42-2-505. Identification documents - individuals not lawfully
present - rules. (1.5) (a) The department shall issue a new identification
document to a person who has a gender different from the sex denoted on
that person's identification document when the department receives A
NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION 25-2-113.8 OR
WHEN THE DEPARTMENT RECEIVES:

(I) (A) A statement, in a form or format designated by the
department, from the person, or from the person's parent if the person is
a minor, or from the person's guardian or legal representative, signed
under penalty of law, confirming the sex designation on the person's
identification document does not align with the person's gender identity;
and

(B) (II) If the person is a minor under the age of eighteen, a
statement, in a form or format designated by the department, signed under
penalty of law, from a professional medical or mental health care provider
licensed in good standing in Colorado or with an equivalent license in
good standing from another jurisdiction, stating that the minor has
undergone surgical, hormonal, or other treatment appropriate for that
person for the purpose of gender transition, based on contemporary
medical standards, and, in the provider's professional opinion, the minor's
gender designation should be changed accordingly, or the minor has an
intersex condition, and, in the provider's professional opinion, the minor's
gender designation should be changed accordingly; or

THE SEX
DESIGNATION ON THE BIRTH CERTIFICATE DOES NOT ALIGN WITH THE
MINOR'S GENDER IDENTITY. THIS SUBSECTION (1.5)(a)(II) DOES NOT
REQUIRE A MINOR TO UNDERGO ANY SPECIFIC SURGERY, TREATMENT,
CLINICAL CARE, OR BEHAVIORAL HEALTH CARE.

(II) A new birth certificate issued pursuant to section
25-2-113.8."

Renumber succeeding section accordingly.

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