

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 17-0612.01 Debbie Haskins x2045

HOUSE BILL 17-1122

HOUSE SPONSORSHIP

Esgar, Ginal, Rosenthal, Michaelson Jenet, Herod, Garnett

SENATE SPONSORSHIP

Moreno, Guzman

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ISSUANCE OF A NEW BIRTH CERTIFICATE WITH A**
102 **GENDER DESIGNATION THAT DIFFERS FROM THE GENDER**
103 **DESIGNATED ON THE PERSON'S ORIGINAL BIRTH CERTIFICATE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, a person born in Colorado who seeks a new birth certificate from the registrar of vital statistics (state registrar) to reflect a change in gender designation must obtain a court order indicating that the sex of the person has been changed by surgical procedure and ordering that the gender designation on the birth certificate

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
March 14, 2017

be amended, and the person must obtain a court order with a legal name change. The bill repeals that provision and creates new requirements for the issuance of birth certificates in cases of changes to gender designation.

Under the bill, known as the "2017 Birth Certificate Modernization Act", the state registrar shall issue a new birth certificate with a different gender designation to a person who was born in this state when the state registrar receives:

- ! A written request from the person or the person's legal representative requesting a new birth certificate with a gender designation that differs from the gender designated on the person's original birth certificate; and
- ! A statement from a medical or mental health care provider licensed in good standing stating that the person has undergone treatment appropriate for that person for the purpose of gender transition or stating that the person has an intersex condition, and that in the provider's professional opinion the person's gender designation should be changed accordingly.

The bill requires that the state registrar issue a new birth certificate rather than an amended birth certificate. The bill allows a person who has previously obtained an amended birth certificate under previous versions of the law to apply to receive a new birth certificate.

A person is not required to obtain a court order for a legal name change in order to obtain a new birth certificate with a change in gender designation. The bill creates a process for a person to update the person's name on a birth certificate at other times than the issuance of the new birth certificate.

The state registrar is prohibited from requesting additional medical information but is authorized to contact the medical or mental health provider to verify the provider's statement. The courts in this state are given jurisdiction to issue a decree to amend a birth certificate to reflect a change in gender designation for certain persons if the law in another state or foreign jurisdiction requires a court decree in order to amend a birth certificate to reflect a change in gender designation.

1 *Be it enacted by the General Assembly of the State of Colorado:*

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

4 **25-2-113.8. Birth certificate modernization act - new birth**
5 **certificate following a change in gender designation.** (1) THE SHORT

1 TITLE OF THIS SECTION IS THE "2017 BIRTH CERTIFICATE MODERNIZATION
2 ACT".

3 (2) THE STATE REGISTRAR SHALL ISSUE A NEW BIRTH CERTIFICATE
4 TO A PERSON WHO WAS BORN IN THIS STATE AND WHO HAS A GENDER
5 DIFFERENT FROM THE GENDER DENOTED ON THAT PERSON'S BIRTH
6 CERTIFICATE WHEN THE STATE REGISTRAR RECEIVES:

7 (a) A WRITTEN REQUEST FROM THE PERSON, OR FROM HIS OR HER
8 PARENTS, IF THE PERSON IS A MINOR, OR FROM THE PERSON'S GUARDIAN OR
9 LEGAL REPRESENTATIVE, SIGNED UNDER PENALTY OF LAW, TO ISSUE A NEW
10 BIRTH CERTIFICATE WITH A GENDER DESIGNATION THAT DIFFERS FROM THE
11 GENDER DESIGNATED ON THE PERSON'S ORIGINAL BIRTH CERTIFICATE; AND

12 (b) A STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE
13 STATE REGISTRAR, SIGNED UNDER PENALTY OF LAW, FROM A MEDICAL OR
14 MENTAL HEALTH CARE PROVIDER LICENSED IN GOOD STANDING IN
15 COLORADO OR AN EQUIVALENT LICENSE IN GOOD STANDING FROM
16 ANOTHER JURISDICTION, STATING THAT THE PERSON HAS UNDERGONE
17 SURGICAL, HORMONAL, OR OTHER TREATMENT APPROPRIATE FOR THAT
18 PERSON FOR THE PURPOSE OF GENDER TRANSITION, BASED ON
19 CONTEMPORARY MEDICAL STANDARDS, OR STATING THAT THE PERSON HAS
20 AN INTERSEX CONDITION, AND STATING THAT IN THE PROVIDER'S
21 PROFESSIONAL OPINION THE PERSON'S GENDER DESIGNATION SHOULD BE
22 CHANGED ACCORDINGLY. THE STATE REGISTRAR IS AUTHORIZED TO
23 CONTACT THE MEDICAL OR MENTAL HEALTH CARE PROVIDER TO VERIFY
24 THE STATEMENT.

25 (3) IF A NEW BIRTH CERTIFICATE IS ISSUED UNDER THIS SECTION,
26 THE BIRTH CERTIFICATE MUST REFLECT, OR BE RE-ISSUED TO REFLECT, ANY
27 LEGAL NAME CHANGE MADE BEFORE, SIMULTANEOUS TO, OR AFTER THE

1 CHANGE IN GENDER DESIGNATION, AS LONG AS APPROPRIATE
2 DOCUMENTATION OF THE NAME CHANGE IS SUBMITTED.

3 (4) THE STATE REGISTRAR SHALL NOT REQUEST ANY ADDITIONAL
4 INFORMATION OR RECORDS OTHER THAN THOSE REQUIRED BY SUBSECTION
5 (2) OF THIS SECTION. THE STATE REGISTRAR SHALL NOT DISCLOSE
6 INFORMATION RELATING TO A GENDER CORRECTION, INCLUDING TO OTHER
7 GOVERNMENT EMPLOYEES, UNLESS REQUIRED IN ORDER TO CONDUCT
8 OFFICIAL BUSINESS.

9 (5) WHEN THE STATE REGISTRAR RECEIVES THE DOCUMENTATION
10 DESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE STATE REGISTRAR
11 SHALL ISSUE A NEW BIRTH CERTIFICATE REFLECTING THE NEW GENDER
12 DESIGNATION AND, IF APPLICABLE, THE NEW NAME OF THE PERSON. THE
13 NEW BIRTH CERTIFICATE SUPERSEDES THE ORIGINAL AS THE OFFICIAL
14 PUBLIC RECORD AND SHALL NOT BE MARKED AS AMENDED OR INDICATE IN
15 ANY OTHER MANNER THAT THE GENDER DESIGNATION OR NAME ON THE
16 CERTIFICATE HAS BEEN CHANGED.

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

22 **SECTION 2.** In Colorado Revised Statutes, 25-2-115, **repeal** (4)
23 as follows:

24 **25-2-115. Alteration of reports and certificates - amended**
25 **reports and certificates.** ~~(4) Upon receipt of a certified copy of an order~~
26 ~~of a court of competent jurisdiction indicating that the sex of an~~
27 ~~individual born in this state has been changed by surgical procedure and~~

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

3 **SECTION 3. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.