

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0333.01 Shelby Ross x4510

HOUSE BILL 19-1039

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A BILL FOR AN ACT

101 **CONCERNING IDENTITY DOCUMENTS FOR TRANSGENDER PERSONS.**

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 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

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

HOUSE
Amended 3rd Reading
February 15, 2019

HOUSE
Amended 2nd Reading
February 14, 2019

or for an intersex individual.

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 gives the courts in this state jurisdiction to issue a decree to amend a birth certificate to reflect a change in gender designation for persons born in another state or foreign jurisdiction if the law of such other state or foreign jurisdiction requires a court decree in order to amend a birth certificate to reflect a change in gender designation.

The bill exempts transgender persons from having to submit a public notice of name change.

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 - short title.**

6 (1) THE SHORT TITLE OF THIS SECTION IS "JUDE'S LAW".

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

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

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

17 (a) A WRITTEN REQUEST FROM THE PERSON, OR FROM THE

1 PERSON'S PARENT, IF THE PERSON IS A MINOR, OR FROM THE PERSON'S
2 GUARDIAN OR LEGAL REPRESENTATIVE, SIGNED UNDER PENALTY OF LAW,
3 TO ISSUE A NEW BIRTH CERTIFICATE WITH A GENDER DESIGNATION THAT
4 DIFFERS FROM THE SEX DESIGNATED ON THE PERSON'S ORIGINAL BIRTH
5 CERTIFICATE; AND

6 (b) (I) A STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE
7 STATE REGISTRAR, FROM THE PERSON, OR FROM THE PERSON'S PARENT, IF
8 THE PERSON IS A MINOR, OR FROM THE PERSON'S GUARDIAN OR LEGAL
9 REPRESENTATIVE, SIGNED UNDER PENALTY OF LAW, CONFIRMING THE SEX
10 DESIGNATION ON THE PERSON'S BIRTH CERTIFICATE DOES NOT ALIGN WITH
11 THE PERSON'S GENDER IDENTITY; AND

12 (II) IF THE PERSON IS A MINOR UNDER THE AGE OF EIGHTEEN, A
13 STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE STATE
14 REGISTRAR, SIGNED UNDER PENALTY OF LAW, FROM A PROFESSIONAL
15 MEDICAL OR MENTAL HEALTH CARE PROVIDER LICENSED IN GOOD
16 STANDING IN COLORADO OR AN EQUIVALENT LICENSE IN GOOD STANDING
17 FROM ANOTHER JURISDICTION, STATING THAT:

18 (A) THE MINOR HAS UNDERGONE SURGICAL, HORMONAL, OR
19 OTHER TREATMENT APPROPRIATE FOR THAT PERSON FOR THE PURPOSE OF
20 GENDER TRANSITION, BASED ON CONTEMPORARY MEDICAL STANDARDS,
21 AND, IN THE PROVIDER'S PROFESSIONAL OPINION, THE MINOR'S GENDER
22 DESIGNATION SHOULD BE CHANGED ACCORDINGLY; OR

23 (B) THE MINOR HAS AN INTERSEX CONDITION, AND, IN THE
24 PROVIDER'S PROFESSIONAL OPINION, THE MINOR'S GENDER DESIGNATION
25 SHOULD BE CHANGED ACCORDINGLY.

26 (4) NOTWITHSTANDING SUBSECTION (3) OF THIS SECTION, THE
27 STATE REGISTRAR SHALL ISSUE A NEW BIRTH CERTIFICATE TO A PERSON

1 WITH A COURT ORDER INDICATING THE SEX OR GENDER OF THE PERSON
2 BORN IN THE STATE OF COLORADO HAS BEEN CHANGED.

3 (5) THE STATE REGISTRAR MAY ONLY AMEND A GENDER
4 DESIGNATION FOR AN INDIVIDUAL'S BIRTH CERTIFICATE ONE TIME UPON
5 THE INDIVIDUAL'S REQUEST. ANY FURTHER REQUESTS FROM THE
6 INDIVIDUAL FOR ADDITIONAL GENDER DESIGNATION CHANGES REQUIRE
7 THE SUBMISSION OF A COURT ORDER INDICATING THAT THE GENDER
8 DESIGNATION CHANGE IS REQUIRED.

9 (6) THE STATE REGISTRAR IS AUTHORIZED TO CONTACT THE
10 MEDICAL OR MENTAL HEALTH CARE PROVIDER TO VERIFY A STATEMENT
11 MADE PURSUANT TO SUBSECTION (3)(b)(II) OF THIS SECTION.

12 (7) IF A NEW BIRTH CERTIFICATE IS ISSUED PURSUANT TO THIS
13 SECTION, THE BIRTH CERTIFICATE MUST REFLECT, OR BE REISSUED TO
14 REFLECT, ANY LEGAL NAME CHANGE MADE BEFORE OR SIMULTANEOUS TO
15 THE CHANGE IN GENDER DESIGNATION, AS LONG AS APPROPRIATE
16 DOCUMENTATION OF THE NAME CHANGE IS SUBMITTED.

17 (8) THE STATE REGISTRAR SHALL NOT REQUEST ANY ADDITIONAL
18 INFORMATION OR RECORDS OTHER THAN THOSE REQUIRED BY SUBSECTION
19 (3) OR (4) OF THIS SECTION TO PROCESS A REQUEST TO MODIFY A GENDER
20 DESIGNATION. THE STATE REGISTRAR SHALL NOT DISCLOSE INFORMATION
21 RELATING TO A GENDER CORRECTION, INCLUDING TO OTHER GOVERNMENT
22 EMPLOYEES, UNLESS REQUIRED IN ORDER TO CONDUCT OFFICIAL BUSINESS.

23 (9) WHEN THE STATE REGISTRAR RECEIVES THE DOCUMENTATION
24 DESCRIBED IN SUBSECTION (3) OF THIS SECTION, THE STATE REGISTRAR
25 SHALL ISSUE A NEW BIRTH CERTIFICATE REFLECTING THE NEW GENDER
26 DESIGNATION AND, IF APPLICABLE, THE PERSON'S NEW NAME.
27 NOTWITHSTANDING SECTION 25-2-115 (1), THE NEW BIRTH CERTIFICATE

1 SUPERSEDES THE ORIGINAL AS THE OFFICIAL PUBLIC RECORD AND MUST
2 NOT BE MARKED AS AMENDED OR INDICATE IN ANY OTHER MANNER THAT
3 THE GENDER DESIGNATION OR NAME ON THE CERTIFICATE HAS BEEN
4 CHANGED.

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

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

13 **25-2-115. Alteration of reports and certificates - amended**
14 **reports and certificates.** (1) A vital statistics report or certificate shall
15 not ever be altered in any way except in accordance with this article 2 and
16 applicable rules. ~~The~~ EXCEPT FOR AMENDED BIRTH CERTIFICATES ISSUED
17 PURSUANT TO SECTION 25-2-113.8, THE date of alteration and a summary
18 description of the evidence submitted in support of the alteration must be
19 endorsed on or made a part of each vital statistics certificate that is
20 altered. Every vital statistics report or certificate that is altered in any way
21 must be marked "Amended", except FOR AMENDED BIRTH CERTIFICATES
22 ISSUED PURSUANT TO SECTION 25-2-113.8; the birth report or certificate
23 of a child altered by the addition of a father's name pursuant to section
24 25-2-112 (3), in which case, upon request of the parents, the surname of
25 the child shall be changed on the report and certificate to that of the
26 father; ~~and also except~~ OR additions and minor corrections made within
27 one year after the date of the statistical event as may be specified by

1 applicable rules. A child's surname may be changed upon affidavit of the
2 parent that the change is being made to conform the child's surname to
3 the parent's legal surname.

4 (4) ~~Upon receipt of a certified copy of an order of a court of~~
5 ~~competent jurisdiction indicating that the sex of an individual born in this~~
6 ~~state has been changed by surgical procedure and that such individual's~~
7 ~~name has been changed, the certificate of birth of such individual shall~~
8 ~~be amended as prescribed by regulation.~~

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

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

23 (II) THE DEPARTMENT SHALL ISSUE A NEW DRIVER'S LICENSE TO
24 A PERSON WHO HAS A GENDER DIFFERENT FROM THE SEX DENOTED ON
25 THAT PERSON'S DRIVER'S LICENSE WHEN THE DEPARTMENT RECEIVES:

26 (A) A STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE
27 DEPARTMENT, FROM THE PERSON, OR FROM THE PERSON'S PARENT, IF THE

1 PERSON IS A MINOR, OR FROM THE PERSON'S GUARDIAN OR LEGAL
2 REPRESENTATIVE, SIGNED UNDER PENALTY OF LAW, CONFIRMING THE SEX
3 DESIGNATION ON THE PERSON'S DRIVER'S LICENSE DOES NOT ALIGN
4 WITH THE PERSON'S GENDER IDENTITY; AND

5 (B) IF THE PERSON IS A MINOR UNDER THE AGE OF EIGHTEEN, A
6 STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE DEPARTMENT,
7 SIGNED UNDER PENALTY OF LAW, FROM A PROFESSIONAL MEDICAL OR
8 MENTAL HEALTH CARE PROVIDER LICENSED IN GOOD STANDING IN
9 COLORADO OR AN EQUIVALENT LICENSE IN GOOD STANDING FROM
10 ANOTHER JURISDICTION, STATING THAT THE MINOR HAS UNDERGONE
11 SURGICAL, HORMONAL, OR OTHER TREATMENT APPROPRIATE FOR THAT
12 PERSON FOR THE PURPOSE OF GENDER TRANSITION, BASED ON
13 CONTEMPORARY MEDICAL STANDARDS, AND, IN THE PROVIDER'S
14 PROFESSIONAL OPINION, THE MINOR'S GENDER DESIGNATION SHOULD BE
15 CHANGED ACCORDINGLY, OR THE MINOR HAS AN INTERSEX CONDITION,
16 AND, IN THE PROVIDER'S PROFESSIONAL OPINION, THE MINOR'S GENDER
17 DESIGNATION SHOULD BE CHANGED ACCORDINGLY; OR

18 (C) A NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION
19 25-2-113.8.

20 (III) THE DEPARTMENT MAY ONLY AMEND A SEX DESIGNATION FOR
21 AN INDIVIDUAL'S DRIVER'S LICENSE ONE TIME UPON THE INDIVIDUAL'S
22 REQUEST. ANY FURTHER REQUESTS FROM THE INDIVIDUAL FOR
23 ADDITIONAL SEX DESIGNATION CHANGES REQUIRE THE SUBMISSION OF A
24 COURT ORDER INDICATING THAT THE SEX DESIGNATION CHANGE IS
25 REQUIRED.

26 ~~(H)~~ (IV) In addition to the information required by ~~subparagraph~~
27 ~~(I) of this paragraph (a)~~ SUBSECTION (2)(a)(I) OF THIS SECTION, every

1 application shall include the opportunity for the applicant to self-identify
2 his or her race or ethnicity. The race or ethnicity information that may be
3 identified on the application shall not be printed on the driver's license
4 but shall be maintained in the stored information as defined by section
5 42-2-114 (1)(b). That information must be accessible to a law
6 enforcement officer through magnetic or electronic readers.

7 **SECTION 4.** In Colorado Revised Statutes, 42-2-302, **add** (2.5)
8 as follows:

9 **42-2-302. Department may or shall issue - limitations - rules.**

10 (2.5) (a) THE DEPARTMENT SHALL ISSUE A NEW IDENTIFICATION CARD TO
11 A PERSON WHO HAS A GENDER DIFFERENT FROM THE SEX DENOTED ON
12 THAT PERSON'S IDENTIFICATION CARD WHEN THE DEPARTMENT RECEIVES:

13 (I) A STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE
14 DEPARTMENT, FROM THE PERSON, OR FROM THE PERSON'S PARENT, IF THE
15 PERSON IS A MINOR, OR FROM THE PERSON'S GUARDIAN OR LEGAL
16 REPRESENTATIVE, SIGNED UNDER PENALTY OF LAW, CONFIRMING THE SEX
17 DESIGNATION ON THE PERSON'S IDENTIFICATION CARD DOES NOT ALIGN
18 WITH THE PERSON'S GENDER IDENTITY; AND

19 (II) IF THE PERSON IS A MINOR UNDER THE AGE OF EIGHTEEN, A
20 STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE DEPARTMENT,
21 SIGNED UNDER PENALTY OF LAW, FROM A PROFESSIONAL MEDICAL OR
22 MENTAL HEALTH CARE PROVIDER LICENSED IN GOOD STANDING IN
23 COLORADO OR AN EQUIVALENT LICENSE IN GOOD STANDING FROM
24 ANOTHER JURISDICTION, STATING THAT THE MINOR HAS UNDERGONE
25 SURGICAL, HORMONAL, OR OTHER TREATMENT APPROPRIATE FOR THAT
26 PERSON FOR THE PURPOSE OF GENDER TRANSITION, BASED ON
27 CONTEMPORARY MEDICAL STANDARDS, AND, IN THE PROVIDER'S

1 PROFESSIONAL OPINION, THE MINOR'S GENDER DESIGNATION SHOULD BE
2 CHANGED ACCORDINGLY, OR THE MINOR HAS AN INTERSEX CONDITION,
3 AND, IN THE PROVIDER'S PROFESSIONAL OPINION, THE MINOR'S GENDER
4 DESIGNATION SHOULD BE CHANGED ACCORDINGLY; OR

5 (III) A NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION
6 25-2-113.8.

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

13 SECTION 5. In Colorado Revised Statutes, 42-2-505, add (1.5)
14 as follows:

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

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

26 (II) IF THE PERSON IS A MINOR UNDER THE AGE OF EIGHTEEN, A
27 STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE DEPARTMENT,

1 SIGNED UNDER PENALTY OF LAW, FROM A PROFESSIONAL MEDICAL OR
2 MENTAL HEALTH CARE PROVIDER LICENSED IN GOOD STANDING IN
3 COLORADO OR AN EQUIVALENT LICENSE IN GOOD STANDING FROM
4 ANOTHER JURISDICTION, STATING THAT THE MINOR HAS UNDERGONE
5 SURGICAL, HORMONAL, OR OTHER TREATMENT APPROPRIATE FOR THAT
6 PERSON FOR THE PURPOSE OF GENDER TRANSITION, BASED ON
7 CONTEMPORARY MEDICAL STANDARDS, AND, IN THE PROVIDER'S
8 PROFESSIONAL OPINION, THE MINOR'S GENDER DESIGNATION SHOULD BE
9 CHANGED ACCORDINGLY, OR THE MINOR HAS AN INTERSEX CONDITION,
10 AND, IN THE PROVIDER'S PROFESSIONAL OPINION, THE MINOR'S GENDER
11 DESIGNATION SHOULD BE CHANGED ACCORDINGLY; OR

12 (III) A NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION
13 25-2-113.8.

14 (b) THE DEPARTMENT MAY ONLY AMEND A SEX DESIGNATION FOR
15 AN INDIVIDUAL'S IDENTIFICATION DOCUMENT ONE TIME UPON THE
16 INDIVIDUAL'S REQUEST. ANY FURTHER REQUESTS FROM THE INDIVIDUAL
17 FOR ADDITIONAL SEX DESIGNATION CHANGES REQUIRE THE SUBMISSION
18 OF A COURT ORDER INDICATING THAT THE SEX DESIGNATION CHANGE IS
19 REQUIRED.

20 **SECTION 6.** In Colorado Revised Statutes, 13-15-102, **add** (4)
21 as follows:

22 **13-15-102. Publication of change.** (4) A PETITIONER NEED NOT
23 GIVE PUBLIC NOTICE OF A NAME CHANGE AS REQUIRED BY SUBSECTION (1)
24 OF THIS SECTION IF THE PETITIONER IS CHANGING THE PETITIONER'S NAME
25 TO CONFORM WITH THE PETITIONER'S GENDER IDENTITY.

26 **SECTION 7. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.