

CHAPTER 377

HEALTH AND ENVIRONMENT

HOUSE BILL 19-1039

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also SENATOR(S) Moreno, Ginal, Bridges, Court, Danielson, Donovan, Fenberg, Fields, Gonzales, Lee, Pettersen, Story, Todd, Winter, Zenzinger, Garcia.

AN ACT

CONCERNING IDENTITY DOCUMENTS FOR TRANSGENDER PERSONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

25-2-113.8. Birth certificate modernization act - new birth certificate following a change in gender designation - short title. (1) THE SHORT TITLE OF THIS SECTION IS "JUDE'S LAW".

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

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

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

(a) A WRITTEN REQUEST FROM THE PERSON, OR FROM THE PERSON'S PARENT, IF

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

(b) (I) A STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE STATE REGISTRAR, 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 BIRTH CERTIFICATE DOES NOT ALIGN WITH THE PERSON'S GENDER IDENTITY; AND

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

(A) 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

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

(4) NOTWITHSTANDING SUBSECTION (3) OF THIS SECTION, THE STATE REGISTRAR SHALL ISSUE A NEW BIRTH CERTIFICATE TO A PERSON WITH A COURT ORDER INDICATING THE SEX OR GENDER OF THE PERSON BORN IN THE STATE OF COLORADO HAS BEEN CHANGED.

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

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

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

(8) THE STATE REGISTRAR SHALL NOT REQUEST ANY ADDITIONAL INFORMATION OR RECORDS OTHER THAN THOSE REQUIRED BY SUBSECTION (3) OR (4) OF THIS SECTION TO PROCESS A REQUEST TO MODIFY A GENDER DESIGNATION. THE STATE REGISTRAR SHALL NOT DISCLOSE INFORMATION RELATING TO A GENDER

CORRECTION, INCLUDING TO OTHER GOVERNMENT EMPLOYEES, UNLESS REQUIRED IN ORDER TO CONDUCT OFFICIAL BUSINESS.

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

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

(11) THE STATE REGISTRAR SHALL PROMPTLY NOTIFY THE DEPARTMENT OF REVENUE WHEN AN INDIVIDUAL IS ISSUED A NEW BIRTH CERTIFICATE PURSUANT TO THIS SECTION.

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

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

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

SECTION 3. In Colorado Revised Statutes, 42-2-107, **amend** (2)(a) 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) (I) Every application shall state the full name, date of birth, sex, and residence address of the applicant; briefly describe the applicant; be signed by the applicant with such applicant's usual signature; have affixed thereon the applicant's fingerprint; and state whether the licensee has ever been licensed as a minor driver or driver and, if so, when and by what state or country and whether any such license has ever been denied, suspended, or revoked, the reasons therefor, and the date thereof. These statements shall be verified by the applicant's signature thereon.

(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) 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 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

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

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

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

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

(I) 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

(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 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

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

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

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

(I) 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

(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 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

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

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

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

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

SECTION 7. Appropriation. For the 2019-20 state fiscal year, \$58,500 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation is from the licensing services cash fund created in section 42-2-114.5 (1), C.R.S. To implement this act, the division may use this appropriation for DRIVES maintenance and support.

SECTION 8. Effective date. This act takes effect January 1, 2020.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 2019