SENATE COMMITTEE OF REFERENCE REPORT

_______________________________ March 13, 2019
Chair of Committee Date
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:

Amend reengrossed bill, page 8, after line 7 insert:

"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."

Renumber succeeding sections accordingly.

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

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