

SENATE COMMITTEE OF REFERENCE REPORT

February 26, 2020

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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:

- 1 Amend printed bill, page 3, after line 7, insert:  
2 "SECTION 2. In Colorado Revised Statutes, 42-2-107, amend  
3 (2)(a)(II) as follows:  
4 **42-2-107. Application for license or instruction permit -**  
5 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**  
6 **and tissue donation awareness fund - legislative declaration - rules -**  
7 **annual report - repeal.** (2) (a) (II) The department shall issue a new  
8 driver's license to a person who has a gender different from the sex  
9 denoted on that person's driver's license when the department receives A  
10 NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION 25-2-113.8 OR  
11 WHEN THE DEPARTMENT RECEIVES:  
12 (A) A statement, in a form or format designated by the  
13 department, from the person, or from the person's parent if the person is  
14 a minor, or from the person's guardian or legal representative, signed  
15 under penalty of law, confirming the sex designation on the person's  
16 driver's license does not align with the person's gender identity; and  
17 (B) If the person is a minor under the age of eighteen, a statement,  
18 in a form or format designated by the department, signed under penalty  
19 of law, from a professional medical or mental health care provider  
20 licensed in good standing in Colorado or with an equivalent license in  
21 good standing from another jurisdiction, stating that ~~the minor has~~  
22 ~~undergone surgical, hormonal, or other treatment appropriate for that~~  
23 ~~person for the purpose of gender transition, based on contemporary~~  
24 ~~medical standards, and, in the provider's professional opinion, the minor's~~

1 ~~gender designation should be changed accordingly, or the minor has an~~  
2 ~~intersex condition, and, in the provider's professional opinion, the minor's~~  
3 ~~gender designation should be changed accordingly; or~~ THE SEX  
4 DESIGNATION ON THE BIRTH CERTIFICATE DOES NOT ALIGN WITH THE  
5 MINOR'S GENDER IDENTITY. THIS SUBSECTION (2)(a)(II)(B) DOES NOT  
6 REQUIRE A MINOR TO UNDERGO ANY SPECIFIC SURGERY, TREATMENT,  
7 CLINICAL CARE, OR BEHAVIORAL HEALTH CARE.

8 ~~(C) A new birth certificate issued pursuant to section 25-2-113.8.~~  
9 **SECTION 3.** In Colorado Revised Statutes, 42-2-302, **amend**  
10 (2.5)(a) as follows:

11 **42-2-302. Department may or shall issue - limitations - rules.**  
12 (2.5) (a) The department shall issue a new identification card to a person  
13 who has a gender different from the sex denoted on that person's  
14 identification card when the department receives A NEW BIRTH  
15 CERTIFICATE ISSUED PURSUANT TO SECTION 25-2-113.8 OR WHEN THE  
16 DEPARTMENT RECEIVES:

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

22 ~~(B)~~ (II) If the person is a minor under the age of eighteen, a  
23 statement, in a form or format designated by the department, signed under  
24 penalty of law, from a professional medical or mental health care provider  
25 licensed in good standing in Colorado or with an equivalent license in  
26 good standing from another jurisdiction, stating that ~~the minor has~~  
27 ~~undergone surgical, hormonal, or other treatment appropriate for that~~  
28 ~~person for the purpose of gender transition, based on contemporary~~  
29 ~~medical standards, and, in the provider's professional opinion, the minor's~~  
30 ~~gender designation should be changed accordingly, or the minor has an~~  
31 ~~intersex condition, and, in the provider's professional opinion, the minor's~~  
32 ~~gender designation should be changed accordingly; or~~ THE SEX  
33 DESIGNATION ON THE BIRTH CERTIFICATE DOES NOT ALIGN WITH THE  
34 MINOR'S GENDER IDENTITY. THIS SUBSECTION (2.5)(a)(II) DOES NOT  
35 REQUIRE A MINOR TO UNDERGO ANY SPECIFIC SURGERY, TREATMENT,  
36 CLINICAL CARE, OR BEHAVIORAL HEALTH CARE.

37 ~~(H) A new birth certificate issued pursuant to section 25-2-113.8.~~  
38 **SECTION 4.** In Colorado Revised Statutes, 42-2-505, **amend**  
39 (1.5)(a) as follows:

40 **42-2-505. Identification documents - individuals not lawfully**  
41 **present - rules.** (1.5) (a) The department shall issue a new identification

1 document to a person who has a gender different from the sex denoted on  
2 that person's identification document when the department receives A  
3 NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION 25-2-113.8 OR  
4 WHEN THE DEPARTMENT RECEIVES:

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

11 ~~(B)~~ (II) If the person is a minor under the age of eighteen, a  
12 statement, in a form or format designated by the department, signed under  
13 penalty of law, from a professional medical or mental health care provider  
14 licensed in good standing in Colorado or with an equivalent license in  
15 good standing from another jurisdiction, stating that ~~the minor has~~  
16 ~~undergone surgical, hormonal, or other treatment appropriate for that~~  
17 ~~person for the purpose of gender transition, based on contemporary~~  
18 ~~medical standards, and, in the provider's professional opinion, the minor's~~  
19 ~~gender designation should be changed accordingly, or the minor has an~~  
20 ~~intersex condition, and, in the provider's professional opinion, the minor's~~  
21 ~~gender designation should be changed accordingly; or~~ THE SEX  
22 DESIGNATION ON THE BIRTH CERTIFICATE DOES NOT ALIGN WITH THE  
23 MINOR'S GENDER IDENTITY. THIS SUBSECTION (1.5)(a)(II) DOES NOT  
24 REQUIRE A MINOR TO UNDERGO ANY SPECIFIC SURGERY, TREATMENT,  
25 CLINICAL CARE, OR BEHAVIORAL HEALTH CARE.

26 ~~(H) A new birth certificate issued pursuant to section~~  
27 ~~25-2-113.8".~~

28 Renumber succeeding section accordingly.

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