



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 18-1046

FINAL FISCAL NOTE

Drafting Number: LLS 18-0568
Prime Sponsors: Rep. Esgar, Sen. Moreno

Date: August 2, 2018
Bill Status: Postponed Indefinitely
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Bill Topic: NEW BIRTH CERTIFICATE TO REFLECT GENDER CHANGE

- Summary of Fiscal Impact: State Revenue, State Expenditure (minimal), State Transfer, TABOR Refund, Local Government, Statutory Public Entity

This bill would have established provisions for issuing a new birth certificate to individuals whose gender is different than the gender denoted on their birth certificate. The bill would have resulted in a minimal, ongoing state workload increase.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

The bill creates the 2018 Birth Certificate Modernization Act. The act requires the state registrar within the Colorado Department of Public Health and Environment (CDPHE) to issue new birth certificates to any person born in Colorado who has a gender different from the gender denoted on that person's birth certificate.

Requirements. To issue a new birth certificate, the state registrar must receive:

- a written request from the person, or the person's parents, guardian, or legal representative if he or she is a minor; and
a statement from a licensed medical or mental health care provider stating that the person has undergone surgical, hormonal, or other treatment for the purpose of gender transition or that the person has an intersex condition.

This provider statement must also specify that in the provider's professional opinion the person's gender designation should be changed. The state registrar may contact the medical or mental health care provider to verify the statement.

New birth certificate. If a new birth certificate is issued, the certificate must reflect any legal name change that had been made before, simultaneous to, or after the change in gender designation. The state registrar may not disclose information relating to a gender correction unless required in order to conduct official business. Any new birth certificate issued by the state registrar will supercede the original birth certificate and will not be marked as amended.

Other states. Persons who currently reside in Colorado but who were born in another state or in a foreign jurisdiction may request a decree from a court in Colorado if such a decree is required to issue an amended birth certificate in the place of their birth.

State Expenditures

Beginning in the current FY 2017-18, the bill increases workload in the CDPHE and the Judicial Department by a minimal amount. These impacts are described below.

Colorado Department of Public Health and Environment. The state registrar maintains birth certificates for persons born in Colorado. Under the bill, the state registrar must change various procedures related to the issuance and modification of birth certificates. The CDPHE will also need to communicate the new requirements with persons requesting changes to the gender identification on their birth certificates. This will increase workload in the CDPHE by a minimal amount, which can be accomplished within existing appropriations.

Judicial Department. The trial courts in the Judicial Department may also have increased workload under the bill to issue decrees for amended birth certificates for persons born in other states. This increase may be offset by a reduction in workload from eliminating the need to obtain a court order to amend the gender listed on a birth certificate. Overall, the net change in workload is assumed to be minimal and does not require new appropriations.

Effective Date

The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee on March 28, 2018.

State and Local Government Contacts

Counties	County Clerks
Information Technology	Judicial
Public Health And Environment	