

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-1049.01 Shelby Ross x4510

SENATE BILL 20-166

SENATE SPONSORSHIP

Moreno,

HOUSE SPONSORSHIP

Esgar,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING SIMPLIFYING THE REQUIREMENTS FOR A MINOR TO**
102 **OBTAIN A NEW BIRTH CERTIFICATE FROM THE STATE**
103 **REGISTRAR.**

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>.)

The bill aligns the requirements for a minor to obtain a new birth certificate from the state registrar with the requirements for an adult. A minor shall also obtain a statement from a medical or mental health professional confirming that the minor's sex designation does not align with the minor's gender identity.

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.

SENATE
Amended 2nd Reading
March 2, 2020

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-2-113.8, **amend**
3 (3)(b)(II) and (9) as follows:

4 **25-2-113.8. Birth certificate modernization act - new birth**
5 **certificate following a change in gender designation - short title.**

6 (3) The state registrar shall issue a new birth certificate to a person who
7 was born in this state and who has a gender different from the sex
8 denoted on that person's birth certificate when the state registrar receives:

9 (b) (II) If the person is a minor under the age of eighteen, a
10 statement, in a form or format designated by the state registrar, signed
11 under penalty of law, from a professional medical or mental health care
12 provider licensed in good standing in Colorado or with an equivalent
13 license in good standing from another jurisdiction, stating ~~that:~~ THE SEX
14 DESIGNATION ON THE BIRTH CERTIFICATE DOES NOT ALIGN WITH THE
15 MINOR'S GENDER IDENTITY. THIS SUBSECTION (3)(b)(II) DOES NOT
16 REQUIRE A MINOR TO UNDERGO ANY SPECIFIC SURGERY, TREATMENT,
17 CLINICAL CARE, OR BEHAVIORAL HEALTH CARE.

18 ~~(A) The minor has undergone surgical, hormonal, or other~~
19 ~~treatment appropriate for that person for the purpose of gender transition,~~
20 ~~based on contemporary medical standards, and, in the provider's~~
21 ~~professional opinion, the minor's gender designation should be changed~~
22 ~~accordingly; or~~

23 ~~(B) The minor has an intersex condition, and, in the provider's~~
24 ~~professional opinion, the minor's gender designation should be changed~~
25 ~~accordingly.~~

26 (9) When the state registrar receives the documentation described

1 in ~~subsection (3)~~ SUBSECTION (3) OR (4) of this section, the state registrar
2 shall issue a new birth certificate reflecting the new gender designation
3 and, if applicable, the person's new name. Notwithstanding section
4 25-2-115 (1), the new birth certificate supersedes the original as the
5 official public record and must not be marked as amended or indicate in
6 any other manner that the gender designation or name on the certificate
7 has been changed.

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

10 **42-2-107. Application for license or instruction permit -**
11 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**
12 **and tissue donation awareness fund - legislative declaration - rules -**
13 **annual report - repeal.** (2) (a) (II) The department shall issue a new
14 driver's license to a person who has a gender different from the sex
15 denoted on that person's driver's license when the department receives A
16 NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION 25-2-113.8 OR
17 WHEN THE DEPARTMENT RECEIVES:

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

23 (B) If the person is a minor under the age of eighteen, a statement,
24 in a form or format designated by the department, signed under penalty
25 of law, from a professional medical or mental health care provider
26 licensed in good standing in Colorado or with an equivalent license in
27 good standing from another jurisdiction, stating that the minor has

1 undergone surgical, hormonal, or other treatment appropriate for that
2 person for the purpose of gender transition, based on contemporary
3 medical standards, and, in the provider's professional opinion, the minor's
4 gender designation should be changed accordingly, or the minor has an
5 intersex condition, and, in the provider's professional opinion, the minor's
6 gender designation should be changed accordingly; or THE SEX
7 DESIGNATION ON THE BIRTH CERTIFICATE DOES NOT ALIGN WITH THE
8 MINOR'S GENDER IDENTITY. THIS SUBSECTION (2)(a)(II)(B) DOES NOT
9 REQUIRE A MINOR TO UNDERGO ANY SPECIFIC SURGERY, TREATMENT,
10 CLINICAL CARE, OR BEHAVIORAL HEALTH CARE.

11 (C) A new birth certificate issued pursuant to section 25-2-113.8.

12 **SECTION 3.** In Colorado Revised Statutes, 42-2-302, **amend**
13 (2.5)(a) as follows:

14 **42-2-302. Department may or shall issue - limitations - rules.**

15 (2.5) (a) The department shall issue a new identification card to a person
16 who has a gender different from the sex denoted on that person's
17 identification card when the department receives A NEW BIRTH
18 CERTIFICATE ISSUED PURSUANT TO SECTION 25-2-113.8 OR WHEN THE
19 DEPARTMENT RECEIVES:

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

25 (B) (II) If the person is a minor under the age of eighteen, a
26 statement, in a form or format designated by the department, signed under
27 penalty of law, from a professional medical or mental health care provider

1 licensed in good standing in Colorado or with an equivalent license in
2 good standing from another jurisdiction, stating that the minor has
3 undergone surgical, hormonal, or other treatment appropriate for that
4 person for the purpose of gender transition, based on contemporary
5 medical standards, and, in the provider's professional opinion, the minor's
6 gender designation should be changed accordingly, or the minor has an
7 intersex condition, and, in the provider's professional opinion, the minor's
8 gender designation should be changed accordingly; or THE SEX
9 DESIGNATION ON THE BIRTH CERTIFICATE DOES NOT ALIGN WITH THE
10 MINOR'S GENDER IDENTITY. THIS SUBSECTION (2.5)(a)(II) DOES NOT
11 REQUIRE A MINOR TO UNDERGO ANY SPECIFIC SURGERY, TREATMENT,
12 CLINICAL CARE, OR BEHAVIORAL HEALTH CARE.

13 (H) A new birth certificate issued pursuant to section 25-2-113.8.

14 **SECTION 4.** In Colorado Revised Statutes, 42-2-505, **amend**
15 (1.5)(a) as follows:

16 **42-2-505. Identification documents - individuals not lawfully**
17 **present - rules.** (1.5) (a) The department shall issue a new identification
18 document to a person who has a gender different from the sex denoted on
19 that person's identification document when the department receives A
20 NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION 25-2-113.8 OR
21 WHEN THE DEPARTMENT RECEIVES:

22 (I) (A) A statement, in a form or format designated by the
23 department, from the person, or from the person's parent if the person is
24 a minor, or from the person's guardian or legal representative, signed
25 under penalty of law, confirming the sex designation on the person's
26 identification document does not align with the person's gender identity;
27 and

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

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

17 **SECTION 5. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.