

HB1039\_L.001

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.HB19-1039 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

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

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

7 (1) THE SHORT TITLE OF THIS SECTION IS THE "2019 BIRTH CERTIFICATE  
8 MODERNIZATION ACT".

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

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

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

19 (a) A WRITTEN REQUEST FROM THE PERSON, OR FROM THE  
20 PERSON'S PARENT, IF THE PERSON IS A MINOR, OR FROM THE PERSON'S  
21 GUARDIAN OR LEGAL REPRESENTATIVE, SIGNED UNDER PENALTY OF LAW,  
22 TO ISSUE A NEW BIRTH CERTIFICATE WITH A GENDER DESIGNATION THAT  
23 DIFFERS FROM THE SEX DESIGNATED ON THE PERSON'S ORIGINAL BIRTH  
24 CERTIFICATE; AND

25 (b) (I) A STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE  
26 STATE REGISTRAR, FROM THE PERSON, OR FROM THE PERSON'S PARENT, IF  
27 THE PERSON IS A MINOR, OR FROM THE PERSON'S GUARDIAN OR LEGAL  
28 REPRESENTATIVE, SIGNED UNDER PENALTY OF LAW, CONFIRMING THE SEX  
29 DESIGNATION ON THE PERSON'S BIRTH CERTIFICATE DOES NOT ALIGN WITH  
30 THE PERSON'S GENDER IDENTITY; AND

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

37 (A) THE MINOR HAS UNDERGONE SURGICAL, HORMONAL, OR  
38 OTHER TREATMENT APPROPRIATE FOR THAT PERSON FOR THE PURPOSE OF  
39 GENDER TRANSITION, BASED ON CONTEMPORARY MEDICAL STANDARDS,  
40 AND, IN THE PROVIDER'S PROFESSIONAL OPINION, THE MINOR'S GENDER

1 DESIGNATION SHOULD BE CHANGED ACCORDINGLY; OR

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

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

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

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

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

23 (8) THE STATE REGISTRAR SHALL NOT REQUEST ANY ADDITIONAL  
24 INFORMATION OR RECORDS OTHER THAN THOSE REQUIRED BY SUBSECTION  
25 (3) OR (4) OF THIS SECTION TO PROCESS A REQUEST TO MODIFY A GENDER  
26 DESIGNATION. THE STATE REGISTRAR SHALL NOT DISCLOSE INFORMATION  
27 RELATING TO A GENDER CORRECTION, INCLUDING TO OTHER GOVERNMENT  
28 EMPLOYEES, UNLESS REQUIRED IN ORDER TO CONDUCT OFFICIAL BUSINESS.

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

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

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

45 **25-2-115. Alteration of reports and certificates - amended**

1 **reports and certificates.** (1) A vital statistics report or certificate shall  
2 not ever be altered in any way except in accordance with this article 2 and  
3 applicable rules. ~~The~~ EXCEPT FOR AMENDED BIRTH CERTIFICATES ISSUED  
4 PURSUANT TO SECTION 25-2-113.8, THE date of alteration and a summary  
5 description of the evidence submitted in support of the alteration must be  
6 endorsed on or made a part of each vital statistics certificate that is  
7 altered. Every vital statistics report or certificate that is altered in any way  
8 must be marked "Amended", except FOR AMENDED BIRTH CERTIFICATES  
9 ISSUED PURSUANT TO SECTION 25-2-113.8; the birth report or certificate  
10 of a child altered by the addition of a father's name pursuant to section  
11 25-2-112 (3), in which case, upon request of the parents, the surname of  
12 the child shall be changed on the report and certificate to that of the  
13 father; ~~and also except~~ OR additions and minor corrections made within  
14 one year after the date of the statistical event as may be specified by  
15 applicable rules. A child's surname may be changed upon affidavit of the  
16 parent that the change is being made to conform the child's surname to the  
17 parent's legal surname.

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

23 **SECTION 3.** In Colorado Revised Statutes, 42-2-107, **amend**  
24 (2)(a) as follows:

25 **42-2-107. Application for license or instruction permit -**  
26 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**  
27 **and tissue donation awareness fund - legislative declaration - rules -**  
28 **annual report - repeal.** (2) (a) (I) Every application shall state the full  
29 name, date of birth, sex, and residence address of the applicant; briefly  
30 describe the applicant; be signed by the applicant with such applicant's  
31 usual signature; have affixed thereon the applicant's fingerprint; and state  
32 whether the licensee has ever been licensed as a minor driver or driver  
33 and, if so, when and by what state or country and whether any such  
34 license has ever been denied, suspended, or revoked, the reasons therefor,  
35 and the date thereof. These statements shall be verified by the applicant's  
36 signature thereon.

37 (II) THE DEPARTMENT SHALL ISSUE A NEW DRIVER'S LICENSE OR  
38 IDENTITY DOCUMENT TO A PERSON WHO HAS A GENDER DIFFERENT FROM  
39 THE SEX DENOTED ON THAT PERSON'S DRIVER'S LICENSE OR IDENTITY  
40 DOCUMENT WHEN THE DEPARTMENT RECEIVES:

41 (A) A STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE  
42 DEPARTMENT, FROM THE PERSON, OR FROM THE PERSON'S PARENT, IF THE  
43 PERSON IS A MINOR, OR FROM THE PERSON'S GUARDIAN OR LEGAL  
44 REPRESENTATIVE, SIGNED UNDER PENALTY OF LAW, CONFIRMING THE SEX  
45 DESIGNATION ON THE PERSON'S DRIVER'S LICENSE OR IDENTITY DOCUMENT

1 DOES NOT ALIGN WITH THE PERSON'S GENDER IDENTITY; AND  
2 (B) IF THE PERSON IS A MINOR UNDER THE AGE OF EIGHTEEN, A  
3 STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE DEPARTMENT,  
4 SIGNED UNDER PENALTY OF LAW, FROM A PROFESSIONAL MEDICAL OR  
5 MENTAL HEALTH CARE PROVIDER LICENSED IN GOOD STANDING IN  
6 COLORADO OR AN EQUIVALENT LICENSE IN GOOD STANDING FROM  
7 ANOTHER JURISDICTION, STATING THAT THE MINOR HAS UNDERGONE  
8 SURGICAL, HORMONAL, OR OTHER TREATMENT APPROPRIATE FOR THAT  
9 PERSON FOR THE PURPOSE OF GENDER TRANSITION, BASED ON  
10 CONTEMPORARY MEDICAL STANDARDS, AND, IN THE PROVIDER'S  
11 PROFESSIONAL OPINION, THE MINOR'S GENDER DESIGNATION SHOULD BE  
12 CHANGED ACCORDINGLY, OR THE MINOR HAS AN INTERSEX CONDITION,  
13 AND, IN THE PROVIDER'S PROFESSIONAL OPINION, THE MINOR'S GENDER  
14 DESIGNATION SHOULD BE CHANGED ACCORDINGLY; OR  
15 (C) A NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION  
16 25-2-113.8.  
17 (III) THE DEPARTMENT MAY ONLY AMEND A SEX DESIGNATION FOR  
18 AN INDIVIDUAL'S DRIVER'S LICENSE OR IDENTITY DOCUMENT ONE TIME  
19 UPON THE INDIVIDUAL'S REQUEST. ANY FURTHER REQUESTS FROM THE  
20 INDIVIDUAL FOR ADDITIONAL SEX DESIGNATION CHANGES REQUIRE THE  
21 SUBMISSION OF A COURT ORDER INDICATING THAT THE SEX DESIGNATION  
22 CHANGE IS REQUIRED.  
23 (H) (IV) In addition to the information required by ~~subparagraph~~  
24 ~~(H) of this paragraph~~ (a) SUBSECTION (2)(a)(I) OF THIS SECTION, every  
25 application shall include the opportunity for the applicant to self-identify  
26 his or her race or ethnicity. The race or ethnicity information that may be  
27 identified on the application shall not be printed on the driver's license but  
28 shall be maintained in the stored information as defined by section  
29 42-2-114 (1)(b). That information must be accessible to a law  
30 enforcement officer through magnetic or electronic readers.  
31 **SECTION 4.** In Colorado Revised Statutes, 13-15-102, **add** (4)  
32 as follows:  
33 **13-15-102. Publication of change.** (4) A PETITIONER NEED NOT  
34 GIVE PUBLIC NOTICE OF A NAME CHANGE AS REQUIRED BY SUBSECTION (1)  
35 OF THIS SECTION IF THE PETITIONER IS CHANGING THE PETITIONER'S NAME  
36 TO CONFORM WITH THE PETITIONER'S GENDER IDENTITY.  
37 **SECTION 5. Safety clause.** The general assembly hereby finds,  
38 determines, and declares that this act is necessary for the immediate  
39 preservation of the public peace, health, and safety."

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