

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 16-0689.01 Debbie Haskins x2045

HOUSE BILL 16-1185

HOUSE SPONSORSHIP

Moreno,

SENATE SPONSORSHIP

Ulibarri,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ISSUANCE OF A NEW BIRTH CERTIFICATE WITH A**
102 **GENDER DESIGNATION THAT DIFFERS FROM THE GENDER**
103 **DESIGNATED ON THE PERSON'S ORIGINAL BIRTH CERTIFICATE.**

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://www.leg.state.co.us/bills summaries>.)

Under current law, a person born in Colorado who seeks a new birth certificate from the registrar of vital statistics (state registrar) to reflect a change in gender designation must obtain a court order indicating that the sex of the person has been changed by surgical procedure and ordering that the gender designation on the birth certificate

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 29, 2016

be amended, and the person must obtain a court order with a legal name change. The bill repeals that provision and creates new requirements for the issuance of birth certificates in cases of changes to gender designation.

Under the bill, known as the "2016 Birth Certificate Modernization Act", the state registrar shall issue a new birth certificate with a different gender designation to a person who was born in this state when the state registrar receives:

- ! A written request from the person, or from his or her parents, if the person is a minor, or from the person's guardian or legal representative, signed under penalty of law, requesting a new birth certificate with a gender designation that differs from the gender designated on the person's original birth certificate; and
- ! A statement, signed under penalty of law, from a medical or mental health care provider licensed in good standing in Colorado or in another jurisdiction, stating that the person has undergone surgical, hormonal, or other treatment appropriate for that person for the purpose of gender transition, based on contemporary medical standards, or stating that the person has an intersex condition, and that in the provider's professional opinion the person's gender designation should be changed accordingly.

The bill requires that the state registrar issue a new birth certificate rather than an amended birth certificate. The bill allows a person who has previously obtained an amended birth certificate under previous versions of the law to apply to receive a new birth certificate.

A person is not required to obtain a court order for a legal name change in order to obtain a new birth certificate with a change in gender designation. The bill creates a process for a person to update the person's name on a birth certificate at other times than the issuance of the new birth certificate.

The state registrar is prohibited from requesting additional medical information but is authorized to contact the medical or mental health provider to verify the provider's statement. The courts in this state are given jurisdiction to issue a decree to amend a birth certificate to reflect a change in gender designation for a person who is a resident of this state and was born in another state or in a foreign jurisdiction if the law in the other state or foreign jurisdiction requires a court decree in order to amend a birth certificate to reflect a change in gender designation.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25-2-113.8 as

1 follows:

2 **25-2-113.8. Birth certificate modernization act - new birth**
3 **certificate following a change in gender designation.** (1) THE SHORT
4 TITLE OF THIS SECTION IS THE "2016 BIRTH CERTIFICATE MODERNIZATION
5 ACT".

6 (2) THE STATE REGISTRAR SHALL ISSUE A NEW BIRTH CERTIFICATE
7 TO A PERSON WHO WAS BORN IN THIS STATE AND WHO HAS A GENDER
8 DIFFERENT FROM THE GENDER DENOTED ON THAT PERSON'S BIRTH
9 CERTIFICATE WHEN THE STATE REGISTRAR RECEIVES:

10 (a) A WRITTEN REQUEST FROM THE PERSON, OR FROM HIS OR HER
11 PARENTS, IF THE PERSON IS A MINOR, OR FROM THE PERSON'S GUARDIAN OR
12 LEGAL REPRESENTATIVE, SIGNED UNDER PENALTY OF LAW, TO ISSUE A NEW
13 BIRTH CERTIFICATE WITH A GENDER DESIGNATION THAT DIFFERS FROM THE
14 GENDER DESIGNATED ON THE PERSON'S ORIGINAL BIRTH CERTIFICATE; AND

15 (b) A STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE
16 STATE REGISTRAR, SIGNED UNDER PENALTY OF LAW, FROM A MEDICAL OR
17 MENTAL HEALTH CARE PROVIDER LICENSED IN GOOD STANDING IN
18 COLORADO OR AN EQUIVALENT LICENSE IN GOOD STANDING FROM
19 ANOTHER JURISDICTION, STATING THAT THE PERSON HAS UNDERGONE
20 SURGICAL, HORMONAL, OR OTHER TREATMENT APPROPRIATE FOR THAT
21 PERSON FOR THE PURPOSE OF GENDER TRANSITION, BASED ON
22 CONTEMPORARY MEDICAL STANDARDS, OR STATING THAT THE PERSON HAS
23 AN INTERSEX CONDITION, AND STATING THAT IN THE PROVIDER'S
24 PROFESSIONAL OPINION THE PERSON'S GENDER DESIGNATION SHOULD BE
25 CHANGED ACCORDINGLY. THE STATE REGISTRAR IS AUTHORIZED TO
26 CONTACT THE MEDICAL OR MENTAL HEALTH CARE PROVIDER TO VERIFY
27 THE STATEMENT.

1 (3) IF A NEW BIRTH CERTIFICATE IS ISSUED UNDER THIS SECTION,
2 THE BIRTH CERTIFICATE MUST REFLECT, OR BE RE-ISSUED TO REFLECT, ANY
3 LEGAL NAME CHANGE MADE BEFORE, SIMULTANEOUS TO, OR AFTER THE
4 CHANGE IN GENDER DESIGNATION, AS LONG AS APPROPRIATE
5 DOCUMENTATION OF THE NAME CHANGE IS SUBMITTED.

6 (4) THE STATE REGISTRAR SHALL NOT REQUEST ANY ADDITIONAL
7 INFORMATION OR RECORDS OTHER THAN THOSE REQUIRED BY SUBSECTION
8 (2) OF THIS SECTION. THE STATE REGISTRAR SHALL NOT DISCLOSE
9 INFORMATION RELATING TO A GENDER CORRECTION, INCLUDING TO OTHER
10 GOVERNMENT EMPLOYEES, UNLESS REQUIRED IN ORDER TO CONDUCT
11 OFFICIAL BUSINESS.

12 (5) WHEN THE STATE REGISTRAR RECEIVES THE DOCUMENTATION
13 DESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE STATE REGISTRAR
14 SHALL ISSUE A NEW BIRTH CERTIFICATE REFLECTING THE NEW GENDER
15 DESIGNATION AND, IF APPLICABLE, THE NEW NAME OF THE PERSON. THE
16 NEW BIRTH CERTIFICATE SUPERSEDES THE ORIGINAL AS THE OFFICIAL
17 PUBLIC RECORD AND SHALL NOT BE MARKED AS AMENDED OR INDICATE IN
18 ANY OTHER MANNER THAT THE GENDER DESIGNATION OR NAME ON THE
19 CERTIFICATE HAS BEEN CHANGED.

20 (6) IN THE CASE OF A PERSON WHO IS A RESIDENT OF THIS STATE
21 AND WAS BORN IN ANOTHER STATE OR IN A FOREIGN JURISDICTION, IF SUCH
22 OTHER STATE OR FOREIGN JURISDICTION REQUIRES A COURT DECREE IN
23 ORDER TO AMEND A BIRTH CERTIFICATE TO REFLECT A CHANGE IN GENDER,
24 THE COURTS IN THIS STATE HAVE JURISDICTION TO ISSUE SUCH A DECREE.

25 **SECTION 2.** In Colorado Revised Statutes, 25-2-115, **repeal** (4)
26 as follows:

27 **25-2-115. Alteration of reports and certificates - amended**

1 **reports and certificates.** (4) ~~Upon receipt of a certified copy of an order~~
2 ~~of a court of competent jurisdiction indicating that the sex of an~~
3 ~~individual born in this state has been changed by surgical procedure and~~
4 ~~that such individual's name has been changed, the certificate of birth of~~
5 ~~such individual shall be amended as prescribed by regulation.~~

6 **SECTION 3. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.