



**Colorado
Legislative
Council
Staff**

HB17-1122

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0612
Prime Sponsor(s): Rep. Esgar
Sen. Moreno

Date: January 25, 2017
Bill Status: House Judiciary
Fiscal Analyst: Bill Zepernick (303-866-4777)

BILL TOPIC: GENDER IDENTIFICATION ON BIRTH CERTIFICATES

Fiscal Impact Summary	FY 2016-17 (Current year)	FY 2017-2018	FY 2018-2019
State Revenue			
State Expenditures	Minimal workload increase. See State Expenditures section.		
Appropriation Required: None.			
Future Year Impacts: Minimal ongoing workload increase.			

Summary of Legislation

The bill creates the 2017 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. To do so, the state registrar must receive:

- a written request, signed under penalty of law, from the person, or the person's parents, guardian, or legal representative if he or she is a minor; and
- a statement, signed under penalty of law, from a medical or mental health care provider licensed in good standing 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 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.

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. 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 FY 2016-17, 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 within the CDPHE 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 takes effect upon signature of the Governor or becoming law without his signature.

State and Local Government Contacts

Counties
Information Technology
Judicial Department

County Clerks
Public Health and Environment