

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 18-0568.01 Jane Ritter x4342

HOUSE BILL 18-1046

HOUSE SPONSORSHIP

Esgar,

SENATE SPONSORSHIP

Moreno,

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://leg.colorado.gov>.)

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 or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
February 26, 2018

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 or for an intersex individual.

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 courts in this state are given jurisdiction to issue a decree to amend a birth certificate to reflect a change in gender designation for persons born in another state or foreign jurisdiction if the law of such 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
3 follows:

4 **25-2-113.8. Birth certificate modernization act - new birth**
5 **certificate following a change in gender designation.** (1) THE SHORT
6 TITLE OF THIS SECTION IS THE "2018 BIRTH CERTIFICATE MODERNIZATION
7 ACT".

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

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

17 (b) A STATEMENT, IN A FORM OR FORMAT DESIGNATED BY THE

1 STATE REGISTRAR, SIGNED UNDER PENALTY OF LAW, FROM A
2 PROFESSIONAL MEDICAL OR MENTAL HEALTH CARE PROVIDER LICENSED IN
3 GOOD STANDING IN COLORADO OR AN EQUIVALENT LICENSE IN GOOD
4 STANDING FROM ANOTHER JURISDICTION, STATING THAT:

5 (I) THE PERSON HAS UNDERGONE SURGICAL, HORMONAL, OR
6 OTHER TREATMENT APPROPRIATE FOR THAT PERSON FOR THE PURPOSE OF
7 GENDER TRANSITION, BASED ON CONTEMPORARY MEDICAL STANDARDS
8 AND, IN THE PROVIDER'S PROFESSIONAL OPINION, THE PERSON'S GENDER
9 DESIGNATION SHOULD BE CHANGED ACCORDINGLY; OR

10 (II) THE PERSON HAS AN INTERSEX CONDITION, AND, IN THE
11 PROVIDER'S PROFESSIONAL OPINION, THE PERSON'S GENDER DESIGNATION
12 SHOULD BE CHANGED ACCORDINGLY.

13 (3) THE STATE REGISTRAR IS AUTHORIZED TO CONTACT THE
14 MEDICAL OR MENTAL HEALTH CARE PROVIDER TO VERIFY A STATEMENT
15 MADE PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

16 (4) IF A NEW BIRTH CERTIFICATE IS ISSUED PURSUANT TO THIS
17 SECTION, THE BIRTH CERTIFICATE MUST REFLECT, OR BE RE-ISSUED TO
18 REFLECT, ANY LEGAL NAME CHANGE MADE BEFORE, SIMULTANEOUS TO, OR
19 AFTER THE CHANGE IN GENDER DESIGNATION, AS LONG AS APPROPRIATE
20 DOCUMENTATION OF THE NAME CHANGE IS SUBMITTED.

21 (5) THE STATE REGISTRAR SHALL NOT REQUEST ANY ADDITIONAL
22 INFORMATION OR RECORDS OTHER THAN THOSE REQUIRED BY SUBSECTION
23 (2) OF THIS SECTION. THE STATE REGISTRAR SHALL NOT DISCLOSE
24 INFORMATION RELATING TO A GENDER CORRECTION, INCLUDING TO OTHER
25 GOVERNMENT EMPLOYEES, UNLESS REQUIRED IN ORDER TO CONDUCT
26 OFFICIAL BUSINESS.

27 (6) WHEN THE STATE REGISTRAR RECEIVES THE DOCUMENTATION

1 DESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE STATE REGISTRAR
2 SHALL ISSUE A NEW BIRTH CERTIFICATE REFLECTING THE NEW GENDER
3 DESIGNATION AND, IF APPLICABLE, THE PERSON'S NEW NAME. THE NEW
4 BIRTH CERTIFICATE SUPERSEDES THE ORIGINAL AS THE OFFICIAL PUBLIC
5 RECORD AND MUST NOT BE MARKED AS AMENDED OR INDICATE IN ANY
6 OTHER MANNER THAT THE GENDER DESIGNATION OR NAME ON THE
7 CERTIFICATE HAS BEEN CHANGED.

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

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

15 **25-2-115. Alteration of reports and certificates - amended**
16 **reports and certificates.** (4) ~~Upon receipt of a certified copy of an order~~
17 ~~of a court of competent jurisdiction indicating that the sex of an~~
18 ~~individual born in this state has been changed by surgical procedure and~~
19 ~~that such individual's name has been changed, the certificate of birth of~~
20 ~~such individual shall be amended as prescribed by regulation.~~

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