

CHAPTER 280

HEALTH AND ENVIRONMENT

SENATE BILL 20-166

BY SENATOR(S) Moreno, Bridges, Donovan, Fenberg, Fields, Ginal, Gonzales, Hansen, Lee, Pettersen, Rodriguez, Story, Todd, Winter, Zenzinger, Garcia;
 also REPRESENTATIVE(S) Esgar, Arndt, Bird, Buentello, Caraveo, Cutter, Duran, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Tipper, Titone, Valdez A., Weissman, Woodrow, Young, Becker.

AN ACT**CONCERNING SIMPLIFYING THE REQUIREMENTS FOR A MINOR TO OBTAIN A NEW BIRTH CERTIFICATE FROM THE STATE REGISTRAR.**

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

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

25-2-113.8. Birth certificate modernization act - new birth certificate following a change in gender designation - short title. (3) The state registrar shall issue a new birth certificate to a person who was born in this state and who has a gender different from the sex denoted on that person's birth certificate when the state registrar receives:

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

~~(A) The minor has undergone surgical, hormonal, or other treatment appropriate for that person for the purpose of gender transition, based on contemporary medical standards, and, in the provider's professional opinion, the minor's gender designation~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~should be changed accordingly; or~~

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

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

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

42-2-107. Application for license or instruction permit - anatomical gifts - donations to Emily Keyes - John W. Buckner organ and tissue donation awareness fund - legislative declaration - rules - annual report - repeal.

(2) (a) (II) The department shall issue a new driver's license to a person who has a gender different from the sex denoted on that person's driver's license when the department receives A NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION 25-2-113.8 OR WHEN THE DEPARTMENT RECEIVES:

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

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

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

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

42-2-302. Department may or shall issue - limitations - rules. (2.5) (a) The department shall issue a new identification card to a person who has a gender

different from the sex denoted on that person's identification card when the department receives A NEW BIRTH CERTIFICATE ISSUED PURSUANT TO SECTION 25-2-113.8 OR WHEN THE DEPARTMENT RECEIVES:

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

~~(B)~~ (II) If the person is a minor under the age of eighteen, a statement, in a form or format designated by the department, signed under penalty of law, from a professional medical or mental health care provider licensed in good standing in Colorado or with an equivalent license in good standing from another jurisdiction, stating that ~~the minor has undergone surgical, hormonal, or other treatment appropriate for that person for the purpose of gender transition, based on contemporary medical standards, and, in the provider's professional opinion, the minor's gender designation should be changed accordingly, or the minor has an intersex condition, and, in the provider's professional opinion, the minor's gender designation should be changed accordingly, or~~ THE SEX DESIGNATION ON THE BIRTH CERTIFICATE DOES NOT ALIGN WITH THE MINOR'S GENDER IDENTITY. THIS SUBSECTION (2.5)(a)(II) DOES NOT REQUIRE A MINOR TO UNDERGO ANY SPECIFIC SURGERY, TREATMENT, CLINICAL CARE, OR BEHAVIORAL HEALTH CARE.

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

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

42-2-505. Identification documents - individuals not lawfully present - rules.

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

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

~~(B)~~ (II) If the person is a minor under the age of eighteen, a statement, in a form or format designated by the department, signed under penalty of law, from a professional medical or mental health care provider licensed in good standing in Colorado or with an equivalent license in good standing from another jurisdiction, stating that ~~the minor has undergone surgical, hormonal, or other treatment appropriate for that person for the purpose of gender transition, based on contemporary medical standards, and, in the provider's professional opinion, the minor's gender designation should be changed accordingly, or the minor has an intersex condition, and, in the provider's professional opinion, the minor's gender designation should be changed accordingly, or~~ THE SEX DESIGNATION ON THE BIRTH

CERTIFICATE DOES NOT ALIGN WITH THE MINOR'S GENDER IDENTITY. THIS SUBSECTION (1.5)(a)(II) DOES NOT REQUIRE A MINOR TO UNDERGO ANY SPECIFIC SURGERY, TREATMENT, CLINICAL CARE, OR BEHAVIORAL HEALTH CARE.

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

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

Approved: July 13, 2020