

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 15-0744.01 Debbie Haskins x2045

HOUSE BILL 15-1265

HOUSE SPONSORSHIP

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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/billsummaries>.)

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.

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 "2015 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 licensed health care provider 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. The bill protects the privacy of the person by stating that the original birth certificate and all documents relating to the change in gender designation are sealed and are opened only upon court order or upon written request of the person whose birth certificate is at issue.

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

3 **25-2-113.8. Birth certificate modernization act - new birth**
4 **certificates following a change in gender designation.** (1) THIS
5 SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "2015 BIRTH
6 CERTIFICATE MODERNIZATION ACT".

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

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

17 (b) A STATEMENT, SIGNED UNDER PENALTY OF LAW, FROM A
18 LICENSED HEALTH CARE PROVIDER STATING THAT THE PERSON HAS
19 UNDERGONE SURGICAL, HORMONAL, OR OTHER TREATMENT APPROPRIATE
20 FOR THAT PERSON FOR THE PURPOSE OF GENDER TRANSITION, BASED ON
21 CONTEMPORARY MEDICAL STANDARDS, OR STATING THAT THE PERSON HAS
22 AN INTERSEX CONDITION, AND STATING THAT IN THE PROVIDER'S
23 PROFESSIONAL OPINION THE PERSON'S GENDER DESIGNATION SHOULD BE
24 CHANGED ACCORDINGLY.

25 (3) IF A NEW BIRTH CERTIFICATE IS ISSUED UNDER THIS SECTION,
26 THE BIRTH CERTIFICATE MUST REFLECT, OR BE RE-ISSUED TO REFLECT,
27 ANY LEGAL NAME CHANGE MADE BEFORE, SIMULTANEOUS TO, OR AFTER

1 THE CHANGE IN GENDER DESIGNATION, AS LONG AS APPROPRIATE
2 DOCUMENTATION OF THE NAME CHANGE IS SUBMITTED.

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

9 (5) WHEN THE STATE REGISTRAR RECEIVES THE DOCUMENTATION
10 DESCRIBED IN PARAGRAPHS (a) AND (b) OF SUBSECTION (2) OF THIS
11 SECTION, THE STATE REGISTRAR SHALL ISSUE A NEW BIRTH CERTIFICATE
12 REFLECTING THE NEW GENDER DESIGNATION AND, IF APPLICABLE, THE
13 NEW NAME OF THE PERSON. THE NEW BIRTH CERTIFICATE SUPERSEDES THE
14 ORIGINAL AS THE OFFICIAL PUBLIC RECORD AND SHALL NOT BE MARKED
15 AS AMENDED OR INDICATE IN ANY OTHER MANNER THAT THE GENDER
16 DESIGNATION OR NAME ON THE CERTIFICATE HAS BEEN CHANGED. THE
17 STATE REGISTRAR SHALL SEAL THE ORIGINAL BIRTH CERTIFICATE AND ANY
18 RECORDS RELATING TO THE ISSUANCE OF A NEW BIRTH CERTIFICATE AND
19 SHALL OPEN THE RECORDS ONLY PURSUANT TO AN ORDER OF A COURT OF
20 COMPETENT JURISDICTION OR UPON WRITTEN REQUEST OF THE PERSON
21 WHOSE BIRTH CERTIFICATE IS AT ISSUE.

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

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

3 **25-2-115. Alteration of reports and certificates - amended**
4 **reports and certificates.** (4) ~~Upon receipt of a certified copy of an order~~
5 ~~of a court of competent jurisdiction indicating that the sex of an~~
6 ~~individual born in this state has been changed by surgical procedure and~~
7 ~~that such individual's name has been changed, the certificate of birth of~~
8 ~~such individual shall be amended as prescribed by regulation.~~

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