

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0744.01 Debbie Haskins x2045

HOUSE BILL 15-1265

HOUSE SPONSORSHIP

Moreno, Esgar, Garnett, Ginal, Rosenthal

SENATE SPONSORSHIP

Ulibarri, Guzman, Steadman

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.*

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 NEW
14 BIRTH CERTIFICATE WITH A GENDER DESIGNATION THAT DIFFERS FROM THE
15 GENDER DESIGNATED ON THE PERSON'S ORIGINAL BIRTH CERTIFICATE; AND

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

27 (3) IF A NEW BIRTH CERTIFICATE IS ISSUED UNDER THIS SECTION,

1 THE BIRTH CERTIFICATE MUST REFLECT, OR BE RE-ISSUED TO REFLECT, ANY
2 LEGAL NAME CHANGE MADE BEFORE, SIMULTANEOUS TO, OR AFTER THE
3 CHANGE IN GENDER DESIGNATION, AS LONG AS APPROPRIATE
4 DOCUMENTATION OF THE NAME CHANGE IS SUBMITTED.

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

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

1 EIGHTEEN YEARS OF AGE OR OLDER AND UPON REQUEST OF THAT PERSON,
2 THE STATE REGISTRAR SHALL SEAL THE ORIGINAL BIRTH CERTIFICATE AND
3 THE RECORDS RELATING TO THE ISSUANCE OF A NEW BIRTH CERTIFICATE.

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

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

11 **25-2-115. Alteration of reports and certificates - amended**
12 **reports and certificates.** (4) ~~Upon receipt of a certified copy of an order~~
13 ~~of a court of competent jurisdiction indicating that the sex of an~~
14 ~~individual born in this state has been changed by surgical procedure and~~
15 ~~that such individual's name has been changed, the certificate of birth of~~
16 ~~such individual shall be amended as prescribed by regulation.~~

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