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**FOR IMMEDIATE RELEASE**

## **Colorado to offer non-binary sex identifier on driver licenses and IDs** *New policy will allow third option on driver licenses and identification cards starting November 30*

DENVER, November 8, 2018 -- Colorado residents will be able to have a non-binary sex identifier on their driver licenses or identification cards starting November 30, according to new rules approved today by Colorado Department of Revenue (CDOR) Executive Director Michael S. Hartman.

According to the new rules, individuals will be able to designate M (male), F (female) or X (non-binary), as determined by them and their licensed treating medical or behavioral healthcare provider, and the corresponding designation will appear as the sex identifier on their Colorado driver license or identification card.

For more than a year, the CDOR has been working with Governor Hickenlooper's Joint ID Task Force on the possibility of adding a non-binary sex identifier on Colorado driver licenses and identification cards. Actions in recent court cases necessitated approval of the emergency rules for the preservation of public health, safety and welfare, and to make the policies of the Division of Motor Vehicles (DMV) consistent with those court cases.

"It is important Coloradans have a correct sex identifier on their driver licenses and identification cards that reflects their true lived experience. This policy is better for all of Colorado," said Hartman. "Further, these rules are necessary to limit the CDOR's legal exposure and to align our policies to be consistent with actions in recent court cases."

The two Colorado court cases referenced in the adoption of the rules focused on sex designation on federal and state legal documents. On September 19, 2018, the U.S. District Court for the District of Colorado ordered the U.S. Department of State to issue a passport with an alternate sex designation to a Colorado resident in *Zzyym V. Pompeo*.

Additionally, the Colorado Department of Public Health and Environment (CDPHE) settled a court case where the plaintiff, a minor through his parent, sought to have the state's birth certificate policy declared unconstitutional because it does not allow a person to update the

gender marker on their birth certificate unless their sex has been surgically changed. As part of the settlement in *B.D. vs CDPHE*, CDPHE is making substantive changes to the existing Vital Statistics Regulation to allow female, male and a third sex designation on a birth certificate.

The new rules for sex identifiers on driver licenses and identification cards require individuals to present a DR2083 Change of Sex Designation form with a signature from their licensed treating medical or behavioral healthcare provider confirming the individual received appropriate clinical treatment for their correct sex in person at a driver license office. This requirement does not require an individual to undergo any specific surgery, treatment, clinical care or behavioral healthcare. Also, the clinical care or behavioral healthcare provider may be licensed in another state.

There is no additional fee to change the sex identifier, however, individuals will need to pay the standard fee to obtain a new card.

The emergency rule will go into effect on November 30, with a permanent rulemaking hearing slated for the end of December.

For additional information, visit here: <https://www.colorado.gov/revenue>.

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