

**UPDATED SUMMARY
HOUSE BILL 16-1185**

Second Regular Session - Seventieth Colorado General Assembly

This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.

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 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 "2016 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, *in a form or format designated by the state registrar*, signed under penalty of law, from a medical or mental health care provider licensed in good standing in Colorado or in another jurisdiction, 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.

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 but is authorized to contact the medical or mental health provider to verify the provider's statement. 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.

Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.
Prepared by the Office of Legislative Legal Services.