

**FINAL
FISCAL NOTE**

Drafting Number: LLS 15-0744
Prime Sponsor(s): Rep. Moreno
 Sen. Ulibarri

Date: September 3, 2015
Bill Status: Postponed Indefinitely
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BILL TOPIC: GENDER IDENTIFICATION ON BIRTH CERTIFICATES

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures	Minimal workload increase. See State Expenditures section.	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

The bill creates the 2015 Birth Certificate Modernization Act. The act requires that the state registrar within the Department of Public Health and Environment (DPHE) issue new birth certificates to any person born in Colorado who has a gender different from the gender denoted on that person's birth certificate. To do so, the state registrar must receive:

- a written request, signed under penalty of law, from the person or the person's parents, guardian or legal representative, if he or she is a minor, and
- a statement, signed under penalty of law, from a medical or mental health care provider licensed in good standing 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 that the person has an intersex condition, and specifies that in the provider's professional opinion the person's gender designation should be changed. The state registrar may contact the medical or mental health care provider to verify the statement.

If a new birth certificate is issued, the certificate must reflect any legal name change that had been made before, simultaneous to, or after the change in gender designation. The state registrar may not disclose information relating to a gender correction, including to other government employees, unless required in order to conduct official business. Any new birth certificate issued by the state registrar will supercede the original birth certificate and will not be marked as amended. The bill requires the state registrar to seal the original birth certificate and all records related to the issuance of the new birth certificate, except for a person who is under eighteen years of age. After a person who was issued a new birth certificate is eighteen years of age or older, the person may request that their records be sealed. The state registrar must then seal the original birth certificate and all records relating to the issuance of the new birth certificate. Records may only be opened through an order of the courts of competent jurisdiction or the written request of the person. Persons who currently reside in Colorado but who were born in another state or in a foreign jurisdiction may request a decree from a court in Colorado if such a decree is required to issue an amended birth certificate in the place of their birth.

State Expenditures

The bill increases workload in the Department of Public Health and Environment (DPHE) by a minimal amount. The DPHE maintains birth certificates for persons born in Colorado. The bill requires the state registrar within the DPHE to make changes to the issuance of birth certificates under the bill. The DPHE will also need to communicate the new requirements with persons requesting the change in gender identification on their birth certificates. This will increase workload in the DPHE by a minimal amount but can be accomplished within existing appropriations.

The trial courts in the Judicial Department may also have increased workload under the bill related to unsealing original birth certificates or the issuance of decrees for amended birth certificates for persons born in other states. Any workload increase will be minimal and does not require new appropriations.

Effective Date

The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee on April 15, 2015.

State and Local Government Contacts

Public Health and Environment

Judicial Department