



BIRTH CERTIFICATE MODERNIZATION ACT

The current statute is out of line with medical consensus:

- A surgical requirement does not reflect current understandings in transgender health care, which recognize that gender transition is an individualized process that is not the same for all transgender people.
- Contrary to the common misconception that there is a single surgery resulting in a “sex change,” there are actually numerous medical procedures that may or may not be part of an individual’s gender transition.
- While surgical treatments are necessary and appropriate for many individuals, they are unnecessary and inappropriate for others. High costs (which health insurance often will not cover), other medical conditions, religious beliefs, or concerns about the risk of surgical complications prevent some transgender people from undergoing surgeries.

Many other states and federal agencies have already changed their laws and policies to expedite gender marker changes on birth certificates and other records, in ways similar to HB 1265:

- California
- Oregon
- District of Columbia
- New York
- Washington
- United States Department of State (passports and birth abroad certificates)
- Rhode Island
- Vermont
- Social Security Administration (SSA records)

Modernizing the statute will prevent discrimination and harassment and will continue Colorado’s public policy in favor of dignity and individual rights.

- Transgender people, especially transgender young people, need birth certificates with their proper names and correct gender to avoid harassment and discrimination when applying for school, getting jobs, and applying for other identity documents.
- Transgender individuals who do seek to undergo gender confirming surgeries are often required to live full-time in accordance with their gender identity for a period of up to one year beforehand. It is difficult, if not impossible, to complete this one-year requirement without identification that reflects the person’s lived gender.

The current method for changing the gender designation on one’s birth certificate results in an unreasonable burden on members of the transgender community.

- The current statutory requirement of a court order creates a barrier for those transgender people who don’t have enough money to hire a lawyer and who don’t have enough knowledge to navigate the legal system on their own.
- Some courts have been hesitant to issue orders amending birth certificates that were issued by another state, creating problems for transgender people who need to change their birth certificate after they move away from the state where they were born.

Those who have transitioned have committed to living in their identified gender, regardless of their surgical status. For the sake of fairness and accuracy, this change should be reflected on their birth certificate. Otherwise, the majority of transgender people, who do not undergo surgery, are forced to retain inaccurate identification, exposing them to a lifetime of disrespect, discrimination, or worse.

HB 1265 will further demonstrate Colorado’s commitment to ensuring fairness for the transgender community.

PLEASE SUPPORT HB 1265!