This bill would make legislative findings and declarations in support of its provisions.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the Gender Recognition Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) It is the policy of the State of California that every person deserves full legal recognition and equal treatment under the law and to ensure that intersex, transgender, and nonbinary people have state-issued identification documents that provide full legal recognition of their accurate gender identity.

(b) Gender identification is fundamentally personal, and the state should endeavor to provide options on state-issued identification documents that recognize a person's accurate gender identification. It is the intent of the Legislature in enacting this legislation to provide three equally recognized gender options on state-issued identification documents—female, male, and nonbinary—and an efficient and fair process for people to amend their gender designation on state-issued identification documents so that state-issued identification documents legally recognize a person's accurate gender identification.

(c) "Intersex" is an umbrella term used to describe natural bodily variations, which can include external genitalia, internal sex organs, chromosomes, or hormonal differences that transcend typical ideas of male and female. Upper estimates of the number of intersex people are approximately 1.7% of the general population. In the United States, some children born with intersex traits have been subjected to involuntary and medically-unnecessary surgical procedures in infancy in an attempt to erase aspects of their natural bodies, causing significant physical and psychological harm. Human rights authorities have condemned

this practice as a form of torture and recognize that legal and ethical frameworks require intersex people themselves to make decisions concerning their own bodies. Thus, those human rights authorities recommended that physicians assign a provisional gender designation with the knowledge that the child may later identify differently. An option of a nonbinary gender designation on state-issued identification documents would allow intersex people, like transgender and nonbinary people, to be able to use state-issued identification documents that accurately recognize their gender identification as female, male, or nonbinary.

(d) The binary gender designations of female and male fail to adequately represent the diversity of human experience. Nonbinary is an umbrella term for people with gender identities that fall somewhere outside of the traditional conceptions of strictly either female or male. People with nonbinary gender identities may or may not identify as transgender, may or may not have been born with intersex traits, may or may not use gender-neutral pronouns, and may or may not use more specific terms to describe their genders, such as agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming, or gender variant. Nonbinary gender identities have been recognized by cultures throughout history and around the world, as well as by legal systems in the United States and other countries, medical authorities, and researchers. Studies show that nonbinary people face frequent discrimination, harassment, and violence in areas of life including education, employment, health care, and law enforcement.

(e) Transgender is an umbrella term used to describe people whose gender identity or gender expression do not match the gender they were assigned at birth. Some transgender people have medically transitioned, undergoing gender affirming surgeries and hormonal treatments, while other transgender people do not choose any form of medical transition. There is no uniform set of procedures that are sought by transgender people that pursue medical transition. Transgender people may identify as female, male, or nonbinary, may or may not have been born with intersex traits, may or may not use gender-neutral pronouns, and may or may not use more specific terms to describe their genders, such as agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming, or gender variant. Studies

show that transgender people disproportionately face discrimination, harassment, and violence in areas of life including housing, education, employment, health care, and law enforcement.

~~SECTION 1.~~

SEC. 3. Section 1277 of the Code of Civil Procedure is amended to read:

1277. (a) (1) If a proceeding for a change of name is commenced by the filing of a petition, except as provided in subdivisions (b), (c), and (e), *or Section 1277.5,* the court shall thereupon make an order reciting the filing of the petition, the name of the person by whom it is filed, and the name proposed. The order shall direct all persons interested in the matter to appear before the court at a time and place specified, which shall be not less than 6 weeks nor more than 12 weeks from the time of making the order, unless the court orders a different time, to show cause why the application for change of name should not be granted. The order shall direct all persons interested in the matter to make known any objection that they may have to the granting of the petition for change of name by filing a written objection, which includes the reasons for the objection, with the court at least two court days before the matter is scheduled to be heard and by appearing in court at the hearing to show cause why the petition for change of name should not be granted. The order shall state that, if no written objection is timely filed, the court may grant the petition without a hearing. ~~If the petition seeks to conform the petitioner's name to the petitioner's gender identity and no objection is timely filed within 28 days of the filing of the petition, the court shall grant the petition without a hearing.~~

(2) A copy of the order to show cause shall be published pursuant to Section 6064 of the Government Code in a newspaper of general circulation to be designated in the order published in the county. If a newspaper of general circulation is not published in the county, a copy of the order to show cause shall be posted by the clerk of the court in three of the most public places in the county in which the court is located, for a like period. Proof shall be made to the satisfaction of the court of this publication or posting at the time of the hearing of the application.

(3) Four weekly publications shall be sufficient publication of the order to show cause. If the order is published in a daily

newspaper, publication once a week for four successive weeks shall be sufficient.

(4) If a petition has been filed for a minor by a parent and the other parent, if living, does not join in consenting thereto, the petitioner shall cause, not less than 30 days before the hearing, to be served notice of the time and place of the hearing or a copy of the order to show cause on the other parent pursuant to Section 413.10, 414.10, 415.10, or 415.40. If notice of the hearing cannot reasonably be accomplished pursuant to Section 415.10 or 415.40, the court may order that notice be given in a manner that the court determines is reasonably calculated to give actual notice to the nonconsenting parent. In that case, if the court determines that notice by publication is reasonably calculated to give actual notice to the nonconsenting parent, the court may determine that publication of the order to show cause pursuant to this subdivision is sufficient notice to the nonconsenting parent.

~~(5) If the petition for a change of name is sought in order to conform the petitioner's name to his or her gender identity, the action for a change of name is exempt from the requirement for publication of the order to show cause under this subdivision.~~

(b) (1) If the petition for a change of name alleges a reason or circumstance described in paragraph (2), and the petitioner has established that he or she is an active participant in the address confidentiality program created pursuant to Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, and that the name he or she is seeking to acquire is on file with the Secretary of State, the action for a change of name is exempt from the requirement for publication of the order to show cause under subdivision (a), and the petition and the order of the court shall, in lieu of reciting the proposed name, indicate that the proposed name is confidential and is on file with the Secretary of State pursuant to the provisions of the address confidentiality program.

(2) The procedure described in paragraph (1) applies to petitions alleging any of the following reasons or circumstances:

(A) To avoid domestic violence, as defined in Section 6211 of the Family Code.

(B) To avoid stalking, as defined in Section 646.9 of the Penal Code.

(C) The petitioner is, or is filing on behalf of, a victim of sexual assault, as defined in Section 1036.2 of the Evidence Code.

(3) For any petition under this subdivision, the current legal name of the petitioner shall be kept confidential by the court and shall not be published or posted in the court's calendars, indexes, or register of actions, as required by Article 7 (commencing with Section 69840) of Chapter 5 of Title 8 of the Government Code, or by any means or in any public forum, including a hardcopy or an electronic copy, or any other type of public media or display.

(4) Notwithstanding paragraph (3), the court may, at the request of the petitioner, issue an order reciting the name of the petitioner at the time of the filing of the petition and the new legal name of the petitioner as a result of the court's granting of the petition.

(5) A petitioner may request that the court file the petition and any other papers associated with the proceeding under seal. The court may consider the request at the same time as the petition for name change, and may grant the request in any case in which the court finds that all of the following factors apply:

(A) There exists an overriding interest that overcomes the right of public access to the record.

(B) The overriding interest supports sealing the record.

(C) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed.

(D) The proposed order to seal the records is narrowly tailored.

(E) No less restrictive means exist to achieve the overriding interest.

(c) A proceeding for a change of name for a witness participating in the state Witness Relocation and Assistance Program established by Title 7.5 (commencing with Section 14020) of Part 4 of the Penal Code who has been approved for the change of name by the program is exempt from the requirement for publication of the order to show cause under subdivision (a).

(d) If an application for change of name is brought as part of an action under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code), whether as part of a petition or cross-complaint or as a separate order to show cause in a pending action thereunder, service of the application shall be made upon all other parties to the action in a like manner as prescribed for the service of a summons, as set forth in Article 3 (commencing with Section 415.10) of Chapter 4 of

Title 5 of Part 2. Upon the setting of a hearing on the issue, notice of the hearing shall be given to all parties in the action in a like manner and within the time limits prescribed generally for the type of hearing (whether trial or order to show cause) at which the issue of the change of name is to be decided.

(e) If a guardian files a petition to change the name of his or her minor ward pursuant to Section 1276:

(1) The guardian shall provide notice of the hearing to any living parent of the minor by personal service at least 30 days before the hearing.

(2) If either or both parents are deceased or cannot be located, the guardian shall cause, not less than 30 days before the hearing, to be served a notice of the time and place of the hearing or a copy of the order to show cause on the child's grandparents, if living, pursuant to Section 413.10, 414.10, 415.10, or 415.40.

(f) This section shall become operative on July 1, 2014.

SEC. 4. Section 1277.5 is added to the Code of Civil Procedure, to read:

1277.5. (a) (1) If a proceeding for a change of name to conform the petitioner's name to the petitioner's gender identity is commenced by the filing of a petition, the court shall thereupon make an order reciting the filing of the petition, the name of the person by whom it is filed, and the name proposed. The order shall direct all persons interested in the matter to make known any objection to the change of name by filing a written objection, which includes any reasons for the objection, within six weeks of the making of the order, and shall state that if no objection is timely filed, the court shall, without hearing, enter the order that the change of name is granted.

(2) The proceeding for a change of name to conform the petitioner's name to the petitioner's gender identity is exempt from any requirement for publication.

(b) A hearing date shall not be set in the proceeding unless an objection is timely filed. If an objection is timely filed, the court may set a hearing at a time designated by the court, only if objections are filed by a person who can, in those objections, show to the court good reason against the change of name. At the hearing, the court may examine under oath any of the petitioners, remonstrants, or other persons touching the petition or application,

and may make an order changing the name or dismissing the petition or application as the court may deem right and proper.

~~SEC. 2.~~

SEC. 5. Section 1278 of the Code of Civil Procedure is amended to read:

1278. (a) (1) Except as provided in subdivisions (c) and (d), the petition or application shall be heard at the time designated by the court, only if objections are filed by a person who can, in those objections, show to the court good reason against the change of name. At the hearing, the court may examine on oath any of the petitioners, remonstrants, or other persons touching the petition or application, and may make an order changing the name, or dismissing the petition or application, as the court may ~~seem~~ *deem* right and proper.

(2) If no objection is filed at least two court days before the date set for hearing, the court may, without hearing, enter the order that the change of name is granted. ~~If the petition seeks to conform the petitioner's name to the petitioner's gender identity and no objection is timely filed within 28 days of the filing of the petition, the court shall grant the petition without a hearing.~~

(b) If the provisions of subdivision (b) of Section 1277 apply, the court shall not disclose the proposed name unless the court finds by clear and convincing evidence that the allegations of domestic violence, stalking, or sexual assault in the petition are false.

(c) If the application for a change of name is brought as part of an action under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code), the hearing on the issue of the change of name shall be conducted pursuant to statutes and rules of court governing those proceedings, whether the hearing is conducted upon an order to show cause or upon trial.

(d) If the petition for a change of name is filed by a guardian on behalf of a minor ward, the court shall first find that the ward is likely to remain in the guardian's care until the age of majority and that the ward is not likely to be returned to the custody of his or her parents. Upon making those findings, the court shall consider the petition and may grant the petition only if it finds that the proposed name change is in the best interest of the child.

(e) This section shall become operative on July 1, 2014.

~~SEC. 3.~~

SEC. 6. The heading of Article 7 (commencing with Section 103425) of Chapter 11 of Part 1 of Division 102 of the Health and Safety Code is amended to read:

Article 7. Revision of Birth Records to Reflect Change of Gender

~~SEC. 4.~~

SEC. 7. Section 103425 of the Health and Safety Code is amended to read:

103425. (a) A person may file a petition with the superior court in any county seeking a judgment recognizing the change of gender to female, male, or nonbinary.

(b) If requested, the judgment shall include an order that a new birth certificate be prepared for the person reflecting the change of gender and any change of name accomplished by an order of a court of this state, another state, the District of Columbia, or any territory of the United States.

~~SEC. 5.~~

SEC. 8. Section 103426 of the Health and Safety Code is amended to read:

103426. The State Registrar shall issue a new birth certificate reflecting a change of gender to female, male, or nonbinary without a court order for any person born in this state who submits directly to the State Registrar an application to change the gender on the birth certificate and an affidavit attesting under penalty of perjury that the request for a change of gender to (female, male, or nonbinary) is to conform the person's legal gender to the person's gender identity and is not made for any fraudulent purpose. Upon receipt of the documentation and the fee prescribed by Section 103725, the State Registrar shall establish a new birth certificate reflecting the gender stated in the application and any change in name, if accompanied by a court order for a change of name.

~~SEC. 6.~~

SEC. 9. Section 103430 of the Health and Safety Code is amended to read:

103430. (a) A petition for a court order to recognize a change in the petitioner's gender as female, male, or nonbinary shall be accompanied by an affidavit from the petitioner and a certified

copy of the court order changing the petitioner's name, if applicable. The petitioner's affidavit shall be accepted as conclusive proof of gender change if it contains substantially the following language: "I, (petitioner's full name), hereby attest under penalty of perjury that the request for a change in gender to (female, male, or nonbinary) is to conform my legal gender to my gender identity and is not for any fraudulent purpose."

(b) ~~The~~ *Except as provided in subdivision (e), the* court shall grant the petition without a ~~hearing within 28 days of the filing of the petition, unless an objection is timely filed. If an objection was timely filed, the petition shall be heard at the time appointed by the court. At the hearing, the court may examine on oath the petitioner, and any other person having knowledge of facts relevant to the petition. At the conclusion of the hearing the court shall grant the petition if the court determines that the petition is not made for any fraudulent purpose.~~ *hearing.*

(c) If the judgment includes an order for a new birth certificate and if the petitioner was born in this state, a certified copy of the decree of the court ordering the new birth certificate, shall, within 30 days from the date of the decree, be filed with the State Registrar. Upon receipt thereof together with the fee prescribed by Section 103725, the State Registrar shall establish a new birth certificate for the petitioner.

(d) The new birth certificate shall indicate the gender of the petitioner, as specified in the judgment of the court, and shall reflect any change of name specified in the court order, as prescribed by Section 103425. No reference shall be made in the new birth certificate, nor shall its form in any way indicate, that it is not the original birth certificate of the petitioner.

(e) (1) If a petitioner is under 18 years of age, the petition shall be signed by either at least one of the petitioner's parents or any legal guardian of the petitioner, or if both parents are deceased and there is no legal guardian of the petitioner, by either a near relative or friend of the petitioner or as provided in Section 7638 of the Family Code.

(A) If a petition filed by a petitioner who is under 18 years of age does not include the signature of both living parents, the petitioner shall serve the living parent who did not sign the petition with notice and an order to show cause pursuant to Section 413.10, 414.10, 415.10, or 415.40 of the Code of Civil Procedure, not less

than 30 days after the petition was filed. If service cannot reasonably be accomplished pursuant to Section 415.10 or 415.40 of the Code of Civil Procedure, the court may order that service be given in a manner that the court determines is reasonably calculated to give actual notice to the living parent who did not sign the petition.

(B) The order to show cause shall direct the living parent who did not sign the petition to appear before the court at a time and place specified, which shall be not less than 6 weeks nor more than 12 weeks from the time of making the order to show cause, unless the court orders a different time, to show cause why the petition for a court order to recognize a change in the petitioner's gender as female, male, or nonbinary should not be granted. The order to show cause shall direct the living parent who did not sign the petition to make known any objection to the granting of the petition by filing a written objection that includes the reasons for the objection with the court at least two court days before the matter is scheduled to be heard and by appearing in court at the hearing to show cause why the petition should not be granted. The order to show cause shall state that if the living parent who did not sign the petition does not timely file a written objection and appear in the court hearing, the court shall grant the petition without a hearing.

(2) (A) The court shall grant a petition for a court order to recognize a change in the petitioner's gender as female, male, or nonbinary filed by a petitioner who is under 18 years of age without a hearing, unless a living parent who was required to be served with notice and an order to show cause in compliance with subparagraph (B) of paragraph (1) timely filed a written objection and appear in the court hearing.

(B) The court may deny a petition for a court order to recognize a change in the petitioner's gender as female, male, or nonbinary filed by a petitioner who is under 18 years of age, if both parents, if living, did not sign the petition, the living parent who did not sign the petition timely filed a written objection and appear in the court hearing, and the court, after holding a hearing on the matter, finds that the change of gender is not in the best interest of the petitioner.

~~SEC. 7. Section 103435 of the Health and Safety Code is amended to read:~~

~~103435. (a) In lieu of separate proceedings, a single petition may be filed with the superior court to change the petitioner's name and recognize the change to petitioner's gender and, if requested, to order the issuance of a new birth certificate. With respect to such a petition, the court shall follow the procedure set forth in Title 8 (commencing with Section 1275) of Part III of the Code of Civil Procedure; however, the order to show cause shall not include the petition to recognize the change of gender. A certified copy of the decree of the court issued pursuant to this section shall, within 30 days, be filed with both the Secretary of State and, if the judgment includes an order for a new birth certificate and if the petitioner was born in this state, the State Registrar. Upon its receipt, the State Registrar shall establish a new birth certificate as provided in this article.~~

~~(b) If the person petitioning for a change of gender is under 18 years of age, the petition may be signed either by one of the person's parents, or by any legal guardian of the person, or if both parents are deceased and there is no guardian of the person, by a near relative or friend of the person or as provided in Section 7638 of the Family Code.~~

~~(c) If a petition has been filed for a minor by a parent and the other parent, if living, does not join in consenting thereto, the petitioner shall cause, not less than 30 days after filing, to be served notice of a copy of the order to show cause on the other parent pursuant to Section 413.10, 414.10, 415.10, or 415.40 of the Code of Civil Procedure. If notice of the hearing cannot reasonably be accomplished pursuant to Section 415.10 or 415.40 of the Code of Civil Procedure, the court may order that notice be given in a manner that the court determines is reasonably calculated to give actual notice to the nonconsenting parent.~~

~~SEC. 8.~~

SEC. 10. Section 103440 of the Health and Safety Code is amended to read:

103440. The new birth certificate established pursuant to this article shall supplant any birth certificate previously registered for the registrant and shall be the only birth certificate open to public inspection. The application and supporting affidavit filed pursuant to Section 103426 shall be filed with the original record of birth, that shall remain as a part of the records of the State Registrar. All records and information specified in this article, other than the

newly issued birth certificate, shall be available only upon written request of the registrant or an order of a court of record.

When a new birth certificate is established under this article, the State Registrar shall transmit copies of the newly established birth certificate for filing to the local registrar and the county recorder whose records contain copies of the original certificate, who shall forward the copies of the original certificate to the State Registrar for filing with the original certificate, if it is practical for him or her to do so. If it is impractical for him or her to forward the copy to the State Registrar, he or she shall effectually seal a cover over the copy of the original certificate in a manner as not to deface or destroy the copy and forward a verified statement of his or her action to the State Registrar. Thereafter the information contained in the record shall be available only upon written request of the registrant or on order of a court of record.

~~SEC. 9.~~

SEC. 11. Section 12811 of the Vehicle Code is amended to read:

12811. (a) (1) (A) When the department determines that the applicant is lawfully entitled to a license, it shall issue to the person a driver's license as applied for. The license shall state the class of license for which the licensee has qualified and shall contain the distinguishing number assigned to the applicant, the date of expiration, the true full name, age, and mailing address of the licensee, a brief description and engraved picture or photograph of the licensee for the purpose of identification, and space for the signature of the licensee. The applicant shall choose a gender category of female, male, or nonbinary to be included as part of the applicant's description on the driver's license. An applicant's choice of gender category on an original, renewed, or amended driver's license is not subject to review by the department. The department shall promulgate regulations to provide a process for an expedient amendment to a gender category and shall not require an applicant to provide documentation other than the request from the applicant.

(B) Each license shall also contain a space for the endorsement of a record of each suspension or revocation of the license.

(C) The department shall use whatever process or processes, in the issuance of engraved or colored licenses, that prohibit, as near as possible, the ability to alter or reproduce the license, or prohibit

the ability to superimpose a picture or photograph on the license without ready detection.

(2) In addition to the requirements of paragraph (1), a license issued to a person under 18 years of age shall display the words "provisional until age 18."

(b) (1) On and after July 1, 2011, an application for an original or renewal driver's license or identification card shall contain a space for the applicant to enroll in the Donate Life California Organ and Tissue Donor Registry. The application shall include check boxes for an applicant to mark either (A) Yes, add my name to the donor registry or (B) I do not wish to register at this time.

(2) The department shall inquire verbally of an applicant applying in person for an original or renewal driver's license or identification card at a department office as to whether the applicant wishes to enroll in the Donate Life California Organ and Tissue Donor Registry. Failure or refusal to answer this question or check a box on the application form shall not be a basis for the department to deny an applicant a driver's license or identification card.

(3) The following language shall be included with the question required by paragraph (1):

"Marking 'Yes' adds your name to the Donate Life California Organ and Tissue Donor Registry and a pink 'donor' dot will appear on your license. If you wish to remove your name from the registry you must contact Donate Life California (see back); DMV can remove the pink dot from your licenses but cannot remove you from the registry."

(4) The back of the application shall contain the following statement:

"If, on the front of this form, you marked 'Yes' to register as an organ and tissue donor you are legally authorizing the recovery of organs and tissues in the event of your death. Registering as a donor will not affect your medical treatment in any way. As outlined in the California Anatomical Gift Act, your authorization is legally binding and, unless the donor is under 18 years of age, your decision does not require the consent of any other person. For registered donors under 18 years of age, the legal guardian shall make the final donation decision. You may limit your

donation to specific organs or tissues, place usage restrictions, for example transplantation or research, obtain more information about donation, or remove your name from the registry on the Internet Web site of Donate Life California: www.donatelifecalifornia.org."

(5) Notwithstanding any other law, a person under 18 years of age may register as a donor. However, the legal guardian of that person shall make the final decision regarding the donation.

(6) The department shall collect donor designation information on all applications for an original or renewal driver's license or identification card.

(7) The department shall print the word "DONOR" or another appropriate designation on the face of a driver's license or identification card to a person who has indicated on the application his or her intent to enroll in the organ donation program pursuant to this section.

(8) On a weekly basis, the department shall electronically transmit to Donate Life California, a nonprofit organization established and designated as the California Organ and Tissue Donor Registrar pursuant to Section 7150.90 of the Health and Safety Code, all of the following information from every application that indicates the applicant's decision to enroll in the organ donation program:

(A) His or her true full name.

(B) His or her residence or mailing address.

(C) His or her year of birth.

(D) His or her California driver's license number or identification card number.

(9) (A) A person who applies for an original or renewal driver's license or identification card may designate a voluntary contribution of two dollars ($2) for the purpose of promoting and supporting organ and tissue donation. This contribution shall be collected by the department, and treated as a voluntary contribution to Donate Life California and not as a fee for the issuance of a driver's license or identification card.

(B) The department may use the donations collected pursuant to this paragraph to cover its actual administrative costs incurred pursuant to paragraphs (6) to (8), inclusive. The department shall deposit all revenue derived pursuant to this paragraph and remaining after the department's deduction for administrative costs

in the Donate Life California Trust Subaccount, that is hereby created in the Motor Vehicle Account in the State Transportation Fund. Notwithstanding Section 13340 of the Government Code, all revenue in this subaccount is continuously appropriated, without regard to fiscal years, to the Controller for allocation to Donate Life California and shall be expended for the purpose of increasing participation in organ donation programs.

(C) The department shall transmit to the Donate Life California Organ and Tissue Donor Registry and the appropriate policy and fiscal committees of the Legislature an annual report, and shall make available quarterly updates, detailing funds collected through voluntary contributions as well as a summary of applicants, including all of the following nonidentifiable information:

(i) Date of application.

(ii) Method of application (field office, online, or mail).

(iii) Donor registration status.

(iv) ZIP Code.

(v) Gender.

(vi) Year of birth.

(D) (i) The annual report to be submitted to the appropriate policy and fiscal committees of the Legislature pursuant to subparagraph (C) shall be submitted in compliance with Section 9795 of the Government Code.

(ii) Pursuant to Section 10231.5 of the Government Code, the requirement for submitting the annual report to the appropriate policy and fiscal committees of the Legislature imposed under subparagraph (C) is inoperative four years after the date the first annual report is due.

(10) The enrollment form shall be posted on the Internet Web sites for the department and the California Health and Human Services Agency.

(11) The enrollment shall constitute a legal document pursuant to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code) and shall remain binding after the donor's death despite any express desires of next of kin opposed to the donation. Except as provided in paragraph (5) of subdivision (b), the donation does not require the consent of any other person.

(12) Donate Life California shall ensure that all additions and deletions to the California Organ and Tissue Donor Registry,

established pursuant to Section 7150.90 of the Health and Safety Code, shall occur within 30 days of receipt.

(13) Information obtained by Donate Life California for the purposes of this subdivision shall be used for these purposes only and shall not be disseminated further by Donate Life California.

(c) (1) All applications for a driver's license or identification card shall contain a space for an applicant to indicate whether he or she has served in the Armed Forces of the United States and to give his or her consent to be contacted regarding eligibility to receive state or federal veterans benefits. The application shall contain the following statement:

"By marking the veteran box on this application, I certify that I am a veteran of the United States Armed Forces and that I want to receive veterans benefits information from the California Department of Veterans Affairs. By marking the veteran box on this application, I also consent to DMV transmitting my name and mailing address to the California Department of Veterans Affairs for this purpose only, and I certify that I have been notified that this transmittal will occur."

(2) The department shall collect the information obtained pursuant to paragraph (1).

(3) As mutually agreed between the department and the Department of Veterans Affairs, the department shall electronically transmit to the Department of Veterans Affairs the following information on each applicant who has identified that he or she has served in the Armed Forces of the United States since the last data transfer and has consented to be contacted about veterans benefits:

(A) His or her true full name.

(B) His or her mailing address.

(4) Information obtained by the Department of Veterans Affairs for the purposes of this subdivision shall be used for the purpose of assisting individuals to access veterans benefits and shall not be disseminated except as needed for this purpose.

(5) Commencing November 11, 2015, an in-person application for a driver's license or identification card shall allow an applicant to request the word "VETERAN" be printed on the face of the driver's license or identification card. A verification form shall be

developed by the Department of Veterans Affairs in consultation with the Department of Motor Vehicles and the California Association of County Veterans Service Officers to acknowledge verification of veteran status. A county veterans service office shall verify the veteran's status as a veteran, sign the verification form, and return it to the veteran. The Department of Motor Vehicles shall accept the signed verification form as proof of veteran status. Upon payment of the fee required pursuant to Section 14901.1, the word "VETERAN" shall be printed on the face of a driver's license or identification card, in a location determined by the department, and issued to a person who makes this request and presents the verification form to the department.

(d) A public entity or employee shall not be liable for loss, detriment, or injury resulting directly or indirectly from false or inaccurate information contained in the form provided pursuant to subdivision (b).

(e) A contract shall not be awarded to a nongovernmental entity for the processing of driver's licenses, unless the contract conforms to all applicable state contracting laws and all applicable procedures set forth in the State Contracting Manual.

~~SEC. 10.~~

SEC. 12. Section 13005 of the Vehicle Code is amended to read:

13005. (a) The identification card shall resemble in appearance, so far as is practicable, a driver's license issued pursuant to this code. It shall adequately describe the applicant, bear his or her picture, and be produced in color or engraved by a process or processes that prohibit, as near as possible, the ability to alter or reproduce the identification card, or prohibit the ability to superimpose a picture or photograph on the identification card without ready detection. The applicant shall choose a gender category of female, male, or nonbinary to be included as part of the applicant's description on the identification card. An applicant's choice of gender category on an original, renewed, or amended identification card is not subject to review by the department. The department shall adopt regulations to provide a process for an expedient amendment to a gender category and shall not require an applicant to provide documentation other than the request from the applicant.

(b) (1) Upon issuance of a new identification card, or renewal of an identification card, the department shall provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry with instructions for mailing the completed form to the California Organ and Tissue Donor Registrar established pursuant to subdivision (a) of Section 7150.90 of the Health and Safety Code.

(2) The enrollment form shall be simple in design and shall be produced by the department, in cooperation with the California Organ and Tissue Donor Registrar, and shall require all of the following information to be supplied by the enrollee:

(A) Date of birth, sex, full name, address, and home telephone number.

(B) Consent for organs or tissues to be donated for transplant after death.

(C) Any limitation of the donation to specific organs, tissues, or research.

(3) The form shall also include a description of the process for having a name removed from the registry, and the process for donating money for the benefit of the registry.

(4) The registry enrollment form shall be posted on the Internet Web sites for the department and the California Health and Human Services Agency.

(5) The form shall constitute a legal document under the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code).

(6) The registrar shall ensure that all additions and deletions to the registry shall occur within 30 days of receipt.

(7) Information obtained by the registrar for the purposes of this subdivision shall be used for these purposes only and shall not further be disseminated by the registrar.

(c) A contract shall not be awarded to a nongovernmental entity for the processing of identification cards unless the contract conforms to all applicable state contracting laws and all applicable procedures set forth in the State Contracting Manual.

~~SEC. 11.~~

SEC. 13. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because

the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O

NYC Health

Office of Vital Records
125 Worth Street, CN-4, Room 133
New York, N.Y. 10013-4090

Register to vote:
http://www.nyccfb.info/public/VRC/registeringToVote.aspx?sm=public rtv

SEE INSTRUCTIONS AND APPLICABLE FEES BELOW AND ON BACK

BIRTH CERTIFICATE APPLICATION

(Please Print Clearly)

1. LAST NAME ON BIRTH CERTIFICATE	2. FIRST NAME	3. ☐ FEMALE ☐ MALE
4a. IF YOU KNOW THE EXACT DATE OF BIRTH MM DD YYYY	4b. IF YOU DON'T KNOW THE EXACT DATE OF BIRTH BEGIN SEARCH MM DD YYYY END SEARCH MM DD YYYY	*SEE BELOW FOR FEE INFORMATION*
5. NAME OF HOSPITAL OR ADDRESS WHERE BORN	6. BOROUGH WHERE BORN MAN ☐ BRONX ☐ BKLYN ☐ QUEENS ☐ SI ☐	
7. MOTHER/PARENT'S NAME PRIOR TO FIRST MARRIAGE (MAIDEN NAME): FIRST LAST	8. BIRTH CERTIFICATE NUMBER *(if known)*	
9. FATHER/PARENT'S NAME PRIOR TO FIRST MARRIAGE FIRST LAST	10. WHY DO YOU NEED THIS BIRTH CERTIFICATE	
11. DO YOU NEED A LETTER OF EXEMPLIFICATION? ☐ YES ☐ NO	12. HOW MANY COPIES DO YOU NEED? 1 ☐ 2 ☐ 3 ☐	13. HOW ARE YOU RELATED TO THE PERSON ON THIS BIRTH CERTIFICATE? SELF/PARENT/OTHER *(please explain)*

PLEASE PRINT YOUR MAILING AND CONTACT INFORMATION CLEARLY BELOW

NAME	DAYTIME PHONE NUMBER Area Code Telephone Number
STREET ADDRESS APT. NO.	
CITY STATE ZIP CODE	E-MAIL ADDRESS

NOTE: Copy of a birth record can be issued only to persons to whom the record of birth relates, if of age, or to a parent or human service organizations. It is a violation of law to make a false, untrue or misleading statement or forge the signature of another on this application. Violations are a misdemeanor punishable by a fine of up to $2,000.

14. CUSTOMER SIGNATURE AND DATE **SIGNATURE:** _____ **DATE:** _____	15. CUSTOMER COMMENTS/ADDITIONAL INFORMATION

FEES

$15 per copy x _____ copies $ _____

Cost of certified copy includes a two consecutive year search

$3 for each extra year searched x _____ years $ _____

Total Amount Enclosed: $ _____

IF RECORD IS NOT ON FILE, A CERTIFIED "NOT FOUND STATEMENT" WILL BE ISSUED. CASH IS NOT ACCEPTED BY MAIL OR IN PERSON.

APPLICATIONS SUBMITTED BY MAIL MUST BE NOTARIZED

STATE OF _____

COUNTY OF _____

SUBSCRIBED AND SWORN BEFORE ME:

THIS _____ DAY OF _____, 20 ____

_____
NOTARY PUBLIC SIGNATURE

NOTARY PUBLIC SEAL

ORDER BIRTH CERTIFICATES QUICKLY AND SECURELY AT WWW.NYC.GOV/VITALRECORDS

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IMPORTANT BIRTH CERTIFICATE INFORMATION

- You can obtain a birth certificate for yourself if you are at least 18 years old, or for your child, with current identification. Detailed instructions for attorneys submitting requests on behalf of their clients are available online at www.nyc.gov/vitalrecords.
- Falsifying information, including forging a signature, to obtain a birth certificate is a misdemeanor and violators may also be subject to a fine of up to $2,000 per violation.
- Credit cards are not accepted for mail-in orders. If from a foreign country, send an international money order.
- Please allow 10–15 days processing time for all long form/vault certificate orders submitted in person.
- Processing of mailed applications takes approximately 15 days. Check current times at www.nyc.gov/vitalrecords.

3 WAYS TO ORDER A NEW YORK CITY BIRTH CERTIFICATE

- **Online:** Visit www.nyc.gov/vitalrecords to order using a credit card, debit card, or electronic check. Online orders are processed within 24 hours on weekdays, and UPS express mail delivery is available.
- **Walk-In:** Go to 125 Worth Street in Lower Manhattan and use the Lafayette Street (handicapped accessible) or Centre Street entrances. We are open Monday through Friday 9:00AM – 3:30PM. Lines are shortest in the morning. Please see identification requirements below.
- **By Mail:** All mailed applications must be notarized. Mail your application to 125 Worth Street, CN-4, New York, NY 10013. Be sure to include a self-addressed, stamped, envelope with your check or money order payable to the NYC Department of Health and Mental Hygiene. You must provide a photocopy of Category 1 identification or original copies of identification from Category 2 *(see below)*.

Identification (ID) Requirements to get a Birth Certificate for you or your child.

Category 1: Identity documents. If you order in person you can leave with your short form certificate in most cases, unless you require a long form certificate.

Provide any of the following, if it includes your photo, your signature and is unexpired:

- Driver's License or non-driver's ID from any state or U.S. territory
- Public benefit card
- U.S. or foreign passport
- U.S. certificate of naturalization
- Military ID card
- Employee ID with photo, verifiable employer and recent pay stub
- MTA reduced-fare Metro Card
- Student ID and current transcript from accredited and verifiable institution
- Inmate photo ID with release papers

Category 2: Proof of address. If you do not have any of the above, you may provide proof of address as described below. Your certificate will be mailed to address on documents provided.

Two different documents dated within the past 60 days, if they show your name and address

- Utility bills (online bills can be downloaded from your provider)
- Letter from a government agency

If you cannot provide Category 1 or 2 identification, please contact Vital Records at nycdohvr@health.nyc.gov.

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Modernizing State Vital Statistics Statutes and Policies to Ensure Accurate Gender Markers on Birth Certificates: A Good Government Approach to Recognizing the Lives of Transgender People

Lisa Mottet
National Gay and Lesbian Task Force

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MODERNIZING STATE VITAL STATISTICS STATUTES AND POLICIES TO ENSURE ACCURATE GENDER MARKERS ON BIRTH CERTIFICATES: A GOOD GOVERNMENT APPROACH TO RECOGNIZING THE LIVES OF TRANSGENDER PEOPLE

*Lisa Mottet**

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INTRODUCTION

Across the country, laws governing corrections to gender markers on birth certificates are relatively uniform, in large part because many states adopted the relevant provisions of the 1977 revision of the Model State Vital Statistics Act (MSVSA). The MSVSA, developed by the U.S. Department of Health and Human Services, guides states on the most efficient laws and procedures related to maintaining accurate birth, death, and other vital records at the state, local, and territorial level. At the time when the government promulgated the MSVSA provision related to gender corrections, it served as a forward-thinking model because it acknowledged that vital records should be corrected in the case of individuals who change their gender. Specifically, the 1977 MSVSA recommended that corrections to gender markers on birth certificates be granted after applicants change their

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