



General Assembly

Amendment

January Session, 2019

LCO No. 8487



Offered by:

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To: Subst. Senate Bill No. 388

File No. 713

Cal. No. 358

"AN ACT CONCERNING INTERSEX PERSONS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 46a-51 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2019*):

5 As used in section 4a-60a and this chapter:

6 (1) "Blind" refers to an individual whose central visual acuity does
7 not exceed 20/200 in the better eye with correcting lenses, or whose
8 visual acuity is greater than 20/200 but is accompanied by a limitation
9 in the fields of vision such that the widest diameter of the visual field
10 subtends an angle no greater than twenty degrees;

11 (2) "Commission" means the Commission on Human Rights and
12 Opportunities created by section 46a-52;

13 (3) "Commission legal counsel" means a member of the legal staff
14 employed by the commission pursuant to section 46a-54;

15 (4) "Commissioner" means a member of the commission;

16 (5) "Court" means the Superior Court or any judge of said court;

17 (6) "Discrimination" includes segregation and separation;

18 (7) "Discriminatory employment practice" means any discriminatory
19 practice specified in section 46a-60 or 46a-81c;

20 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
21 60a, 4a-60g, 31-40y, 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c, 46a-66, 46a-
22 68, 46a-68c to 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive,
23 subsection (a) of section 46a-80 or sections 46a-81b to 46a-81o,
24 inclusive;

25 (9) "Employee" means any person employed by an employer but
26 shall not include any individual employed by such individual's
27 parents, spouse or child;

28 (10) "Employer" includes the state and all political subdivisions
29 thereof and means any person or employer with three or more persons
30 in such person's or employer's employ;

31 (11) "Employment agency" means any person undertaking with or
32 without compensation to procure employees or opportunities to work;

33 (12) "Labor organization" means any organization which exists for
34 the purpose, in whole or in part, of collective bargaining or of dealing
35 with employers concerning grievances, terms or conditions of
36 employment, or of other mutual aid or protection in connection with
37 employment;

38 (13) "Intellectual disability" means intellectual disability as defined
39 in section 1-1g;

40 (14) "Person" means one or more individuals, partnerships,

41 associations, corporations, limited liability companies, legal
42 representatives, trustees, trustees in bankruptcy, receivers and the state
43 and all political subdivisions and agencies thereof;

44 (15) "Physically disabled" refers to any individual who has any
45 chronic physical handicap, infirmity or impairment, whether
46 congenital or resulting from bodily injury, organic processes or
47 changes or from illness, including, but not limited to, epilepsy,
48 deafness or being hard of hearing or reliance on a wheelchair or other
49 remedial appliance or device;

50 (16) "Respondent" means any person alleged in a complaint filed
51 pursuant to section 46a-82 to have committed a discriminatory
52 practice;

53 (17) "Discrimination on the basis of sex" includes but is not limited
54 to discrimination related to pregnancy, child-bearing capacity,
55 sterilization, fertility, intersex characteristics or related medical
56 conditions. As used in this subdivision, "intersex" means a condition in
57 which an individual is born with a reproductive or sexual anatomy or
58 chromosome pattern that does not fit the typical definition of male or
59 female;

60 (18) "Discrimination on the basis of religious creed" includes but is
61 not limited to discrimination related to all aspects of religious
62 observances and practice as well as belief, unless an employer
63 demonstrates that the employer is unable to reasonably accommodate
64 to an employee's or prospective employee's religious observance or
65 practice without undue hardship on the conduct of the employer's
66 business;

67 (19) "Learning disability" refers to an individual who exhibits a
68 severe discrepancy between educational performance and measured
69 intellectual ability and who exhibits a disorder in one or more of the
70 basic psychological processes involved in understanding or in using
71 language, spoken or written, which may manifest itself in a diminished
72 ability to listen, speak, read, write, spell or to do mathematical

73 calculations;

74 (20) "Mental disability" refers to an individual who has a record of,
75 or is regarded as having one or more mental disorders, as defined in
76 the most recent edition of the American Psychiatric Association's
77 "Diagnostic and Statistical Manual of Mental Disorders"; [and]

78 (21) "Gender identity or expression" means a person's gender-
79 related identity, appearance or behavior, whether or not that gender-
80 related identity, appearance or behavior is different from that
81 traditionally associated with the person's physiology or assigned sex at
82 birth, which gender-related identity can be shown by providing
83 evidence including, but not limited to, medical history, care or
84 treatment of the gender-related identity, consistent and uniform
85 assertion of the gender-related identity or any other evidence that the
86 gender-related identity is sincerely held, part of a person's core
87 identity or not being asserted for an improper purpose; [.] and

88 (22) "Veteran" means veteran as defined in subsection (a) of section
89 27-103.

90 Sec. 2. Section 7-36 of the general statutes is amended by adding
91 subdivisions (20) and (21) as follows (*Effective October 1, 2019*):

92 (NEW) (20) "Intersex" means a condition in which an individual is
93 born with a reproductive or sexual anatomy or chromosome pattern
94 that does not fit the typical definition of male or female.

95 (NEW) (21) "Non binary" means not exclusively male or female.

96 Sec. 3. Subsections (a) to (c), inclusive, of section 7-48 of the general
97 statutes are repealed and the following is substituted in lieu thereof
98 (*Effective October 1, 2019*):

99 (a) Not later than ten days after each live birth which occurs in this
100 state, a birth certificate shall be filed with the registrar of vital statistics
101 in the town in which the birth occurred and the certificate shall be
102 registered if properly filed, by manual or electronic systems as

103 prescribed by the commissioner. [On and after January 1, 1994, each]
104 Each hospital with two hundred or more live births in any calendar
105 year [1990, or any subsequent calendar year,] shall electronically
106 transmit birth information data to the department in a computer
107 format approved by the department. Each birth certificate shall contain
108 such information as the department may require and shall be
109 completed in its entirety. Medical and health information which is
110 required by the department, including information regarding
111 voluntary acknowledgments of paternity and whether the child was
112 born out of wedlock, shall be recorded on a confidential portion of the
113 certificate to be sent directly to the department. Such confidential
114 records may be used for statistical and health purposes by the
115 department or by a local director of health, as authorized by the
116 department, for records related to the town served by the local director
117 of health and where the mother was a resident at the time of the birth
118 of the child. Such birth certificate and confidential records may be used
119 internally by the hospital for records transmitted by the hospital for
120 statistical, health and quality assurance purposes. The department
121 shall give due consideration to national uniformity in vital statistics in
122 prescribing the format and content of such certificate.

123 (b) When a birth occurs in an institution or en route thereto, the
124 person in charge of the institution or such person's designated
125 representative shall obtain all available data required by the certificate,
126 prepare the certificate, certify that the child was born alive at the place
127 and time and on the date stated either by signature or by an electronic
128 process approved by the commissioner and file the certificate with the
129 registrar of vital statistics in the town in which the birth occurred, not
130 later than ten days after such birth. The physician or other person in
131 attendance, and the physician, institution or other person providing
132 prenatal care, shall provide the medical information required by the
133 certificate not later than seventy-two hours after the birth. On and after
134 July 1, 2020, the child's parent or guardian may designate the sex of a
135 child as non binary, which designation shall be reflected on the birth
136 certificate.

137 (c) When a birth occurs outside an institution, the certificate shall be
138 prepared and filed by the physician or midwife in attendance at or
139 immediately after the birth or, in the absence of such a person, by the
140 father or mother. On and after July 1, 2020, the child's parent or
141 guardian may designate the sex of the child as non binary, which
142 designation shall be reflected on the birth certificate.

143 Sec. 4. Section 19a-42 of the general statutes is repealed and the
144 following is substituted in lieu thereof (*Effective October 1, 2019*):

145 (a) To protect the integrity and accuracy of vital records, a certificate
146 registered under chapter 93 may be amended only in accordance with
147 sections 19a-41 to 19a-45, inclusive, chapter 93, regulations adopted by
148 the Commissioner of Public Health pursuant to chapter 54 and
149 uniform procedures prescribed by the commissioner. Only the
150 commissioner may amend birth certificates to reflect changes
151 concerning parentage, [or] gender change or, on and after July 1, 2020,
152 change in designation of sex by an intersex person. Amendments
153 related to parentage, [or] gender change or, on and after July 1, 2020,
154 change in designation of sex by an intersex person shall result in the
155 creation of a replacement certificate that supersedes the original, and
156 shall in no way reveal the original language changed by the
157 amendment. Any amendment to a vital record made by the registrar of
158 vital statistics of the town in which the vital event occurred or by the
159 commissioner shall be in accordance with such regulations and
160 uniform procedures.

161 (b) The commissioner and the registrar of vital statistics shall
162 maintain sufficient documentation, as prescribed by the commissioner,
163 to support amendments and shall ensure the confidentiality of such
164 documentation as required by law. The date of amendment and a
165 summary description of the evidence submitted in support of the
166 amendment shall be endorsed on or made part of the record and the
167 original certificate shall be marked "Amended", except for
168 amendments due to parentage, [or] gender change or, on and after July
169 1, 2020, change in designation of sex by an intersex person. When the

170 registrar of the town in which the vital event occurred amends a
171 certificate, such registrar shall, within ten days of making such
172 amendment, forward an amended certificate to the commissioner and
173 to any registrar having a copy of the certificate. When the
174 commissioner amends a birth certificate, including changes due to
175 parentage, [or] gender change or, on and after July 1, 2020, designation
176 of sex by an intersex person, the commissioner shall forward an
177 amended certificate to the registrars of vital statistics affected and their
178 records shall be amended accordingly.

179 (c) An amended certificate shall supersede the original certificate
180 that has been changed and shall be marked "Amended", except for
181 amendments due to parentage, [or] gender change or, on and after July
182 1, 2020, designation of sex by an intersex person. The original
183 certificate in the case of parentage or gender change shall be physically
184 or electronically sealed and kept in a confidential file by the
185 department and the registrar of any town in which the birth was
186 recorded, and may be unsealed for issuance only as provided in
187 section 7-53 or upon a written order of a court of competent
188 jurisdiction. The amended certificate shall become the official record.

189 (d) (1) Upon receipt of (A) an acknowledgment of paternity
190 executed in accordance with the provisions of subsection (a) of section
191 46b-172 by both parents of a child born out of wedlock, or (B) a
192 certified copy of an order of a court of competent jurisdiction
193 establishing the paternity of a child born out of wedlock, the
194 commissioner shall include on or amend, as appropriate, such child's
195 birth certificate to show such paternity if paternity is not already
196 shown on such birth certificate and to change the name of the child
197 under eighteen years of age if so indicated on the acknowledgment of
198 paternity form or within the certified court order as part of the
199 paternity action. If a person who is the subject of a voluntary
200 acknowledgment of paternity, as described in this subdivision, is
201 eighteen years of age or older, the commissioner shall obtain a
202 notarized affidavit from such person affirming that he or she agrees to
203 the commissioner's amendment of such person's birth certificate as

204 such amendment relates to the acknowledgment of paternity. The
205 commissioner shall amend the birth certificate for an adult child to
206 change his or her name only pursuant to a court order.

207 (2) If another father is listed on the birth certificate, the
208 commissioner shall not remove or replace the father's information
209 unless presented with a certified court order that meets the
210 requirements specified in section 7-50, or upon the proper filing of a
211 rescission, in accordance with the provisions of section 46b-172. The
212 commissioner shall thereafter amend such child's birth certificate to
213 remove or change the father's name and to change the name of the
214 child, as requested at the time of the filing of a rescission, in
215 accordance with the provisions of section 46b-172. Birth certificates
216 amended under this subsection shall not be marked "Amended".

217 (e) When the parent or parents of a child request the amendment of
218 the child's birth certificate to reflect a new mother's name because the
219 name on the original certificate is fictitious, such parent or parents
220 shall obtain an order of a court of competent jurisdiction declaring the
221 putative mother to be the child's mother. Upon receipt of a certified
222 copy of such order, the department shall amend the child's birth
223 certificate to reflect the mother's true name.

224 (f) Upon receipt of a certified copy of an order of a court of
225 competent jurisdiction changing the name of a person born in this state
226 and upon request of such person or such person's parents, guardian, or
227 legal representative, the commissioner or the registrar of vital statistics
228 of the town in which the vital event occurred shall amend the birth
229 certificate to show the new name by a method prescribed by the
230 department.

231 (g) When an applicant submits the documentation required by the
232 regulations to amend a vital record, the commissioner shall hold a
233 hearing, in accordance with chapter 54, if the commissioner has
234 reasonable cause to doubt the validity or adequacy of such
235 documentation.

236 (h) When an amendment under this section involves the changing of
237 existing language on a death certificate due to an error pertaining to
238 the cause of death, the death certificate shall be amended in such a
239 manner that the original language is still visible. A copy of the death
240 certificate shall be made. The original death certificate shall be sealed
241 and kept in a confidential file at the department and only the
242 commissioner may order it unsealed. The copy shall be amended in
243 such a manner that the language to be changed is no longer visible.
244 The copy shall be a public document.

245 (i) The commissioner shall issue a new birth certificate to reflect a
246 gender change upon receipt of the following documents submitted in
247 the form and manner prescribed by the commissioner: (1) A written
248 request from the applicant, signed under penalty of law, for a
249 replacement birth certificate to reflect that the applicant's gender
250 differs from the sex designated on the original birth certificate; (2) a
251 notarized affidavit by a physician licensed pursuant to chapter 370 or
252 holding a current license in good standing in another state, an
253 advanced practice registered nurse licensed pursuant to chapter 378 or
254 holding a current license in good standing in another state, or a
255 psychologist licensed pursuant to chapter 383 or holding a current
256 license in good standing in another state, stating that the applicant has
257 undergone surgical, hormonal or other treatment clinically appropriate
258 for the applicant for the purpose of gender transition; and (3) if an
259 applicant is also requesting a change of name listed on the original
260 birth certificate, proof of a legal name change. The new birth certificate
261 shall reflect the new gender identity by way of a change in the sex
262 designation on the original birth certificate and, if applicable, the legal
263 name change.

264 (j) On and after July 1, 2020, the commissioner shall issue a new
265 birth certificate to reflect a change in designation of sex by an intersex
266 person upon receipt of documentary evidence in a form and manner
267 prescribed by the commissioner. The new birth certificate shall reflect
268 the newly designated sex by way of a change in the sex designation on
269 the original birth certificate and, if applicable, the legal name change.

270 Sec. 5. (*Effective from passage*) (a) There is established a task force to
271 study the circumstances in which a surgery related to a person's
272 intersex status is medically necessary.

273 (b) The task force shall consist of the following members:

274 (1) Two appointed by the speaker of the House of Representatives,
275 one of whom shall be a licensed mental health care provider with
276 experience in treating intersex persons, and one of whom shall be an
277 intersex adult;

278 (2) Two appointed by the president pro tempore of the Senate, one
279 of whom shall be a medical ethicist with a publishing background in
280 issues affecting the intersex community, and one of whom shall be a
281 representative of a community group that is led by and comprised of
282 intersex persons and that has experience advocating for policies
283 benefiting the intersex community;

284 (3) One appointed by the majority leader of the House of
285 Representatives, who shall be a pediatrician with experience in
286 treating intersex persons;

287 (4) One appointed by the majority leader of the Senate, who shall be
288 a legal expert with a publishing background in issues affecting the
289 intersex community;

290 (5) One appointed by the minority leader of the House of
291 Representatives, who shall be a urologist with experience in treating
292 intersex persons;

293 (6) One appointed by the minority leader of the Senate, who shall be
294 an endocrinologist with experience in treating intersex persons; and

295 (7) One appointed by the Governor, who shall be an intersex adult.

296 (c) Any member of the task force appointed under subdivision (1),
297 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
298 of the General Assembly.

299 (d) All appointments to the task force shall be made not later than
 300 thirty days after the effective date of this section. Any vacancy shall be
 301 filled by the appointing authority.

302 (e) The speaker of the House of Representatives and the president
 303 pro tempore of the Senate shall select the chairpersons of the task force
 304 from among the members of the task force. Such chairpersons shall
 305 schedule the first meeting of the task force, which shall be held not
 306 later than sixty days after the effective date of this section.

307 (f) The administrative staff of the joint standing committee of the
 308 General Assembly having cognizance of matters relating to public
 309 health shall serve as administrative staff of the task force.

310 (g) Not later than January 1, 2020, the task force shall submit a
 311 report on its findings and recommendations to the joint standing
 312 committee of the General Assembly having cognizance of matters
 313 relating to public health, in accordance with the provisions of section
 314 11-4a of the general statutes. The task force shall terminate on the date
 315 that it submits such report or January 1, 2020, whichever is later."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	46a-51
Sec. 2	<i>October 1, 2019</i>	7-36
Sec. 3	<i>October 1, 2019</i>	7-48(a) to (c)
Sec. 4	<i>October 1, 2019</i>	19a-42
Sec. 5	<i>from passage</i>	New section