AN ACT CONCERNING INTERSEX PERSONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

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 Section 46a-51 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

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

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

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

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

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

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

(6) "Discrimination" includes segregation and separation;

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

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

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

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

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

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

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

(14) "Person" means one or more individuals, partnerships, associations, corporations, limited liability companies, legal representatives, trustees, trustees in bankruptcy, receivers and the state and all political subdivisions and agencies thereof;

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

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

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

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

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

(20) "Mental disability" refers to an individual who has a record of, or is regarded as having one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders"; [and]
(21) "Gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose; [.] and

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

Sec. 2. Subsection (a) of section 1-1h of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) Any person who does not possess a valid motor vehicle operator's license may apply to the Department of Motor Vehicles for an identity card. The application for an identity card shall be accompanied by the birth certificate of the applicant or a certificate of identification of the applicant issued and authorized for such use by the Department of Correction. Such application shall include: (1) The applicant's name; (2) the applicant's address; (3) whether the address is permanent or temporary; (4) the applicant's date of birth; (5) notice to the applicant that false statements on such application are punishable under section 53a-157b; and (6) such other pertinent information as the Commissioner of Motor Vehicles deems necessary. [A] The applicant shall pay a fee of twenty-two dollars and fifty cents [shall be paid] to the department upon issuance to the applicant of an identity card which contains a picture of the applicant and specifies the applicant's height, sex and eye color. An intersex applicant shall have the option of identifying the applicant's sex as intersex. The commissioner shall accept as proof of such applicant's identification as intersex, in a form...
and manner prescribed by the commissioner, evidence of such applicant's intersex characteristics and specify such applicant's sex as intersex on such applicant's identity card. The applicant shall sign the application in the presence of an official of the department. The commissioner may waive the fee for any applicant (A) who has voluntarily surrendered such applicant's motor vehicle operator's license, (B) whose license has been refused by the commissioner pursuant to subdivision (4) of subsection (e) of section 14-36, (C) who is both a veteran, as defined in subsection (a) of section 27-103, and blind, as defined in subsection (a) of section 1-1f, or (D) who is a resident of a homeless shelter or other facility for homeless persons. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish the procedure and qualifications for the issuance of an identity card to any such homeless applicant. As used in this subsection, "intersex" means a condition in which an individual is born with a reproductive or sexual anatomy or chromosome pattern that does not fit the typical definition of male or female.

Sec. 3. (NEW) (Effective October 1, 2019) For purposes of issuing a motor vehicle operator's license, including, but not limited to, a commercial driver's license, in accordance with part III of chapter 246 of the general statutes, the Commissioner of Motor Vehicles shall accept as proof of an individual's identification as intersex, in a form and manner prescribed by the commissioner, evidence of an individual's intersex characteristics. The commissioner shall specify the sex of any individual who submits such evidence as intersex on such individual's license. As used in this section, "intersex" means a condition in which an individual is born with a reproductive or sexual anatomy or chromosome pattern that does not fit the typical definition of male or female.

Sec. 4. Subsection (a) of section 7-48 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):
(a) Not later than ten days after each live birth which occurs in this state, a birth certificate shall be filed with the registrar of vital statistics in the town in which the birth occurred and the certificate shall be registered if properly filed, by manual or electronic systems as prescribed by the commissioner. [On and after January 1, 1994, each] Each hospital with two hundred or more live births in any calendar year [1990, or any subsequent calendar year,] shall electronically transmit birth information data to the department in a computer format approved by the department. Each birth certificate shall contain such information as the department may require and shall be completed in its entirety. The department shall accept evidence of a child's intersex characteristics, in a form and manner prescribed by the commissioner, and allow for the specification of the child's sex as intersex on the child's birth certificate. Medical and health information which is required by the department, including information regarding voluntary acknowledgments of paternity and whether the child was born out of wedlock, shall be recorded on a confidential portion of the certificate to be sent directly to the department. Such confidential records may be used for statistical and health purposes by the department or by a local director of health, as authorized by the department, for records related to the town served by the local director of health and where the mother was a resident at the time of the birth of the child. Such birth certificate and confidential records may be used internally by the hospital for records transmitted by the hospital for statistical, health and quality assurance purposes. The department shall give due consideration to national uniformity in vital statistics in prescribing the format and content of such certificate. As used in this subsection, "intersex" means a condition in which an individual is born with a reproductive or sexual anatomy or chromosome pattern that does not fit the typical definition of male or female.

Sec. 5. Section 19a-42 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) To protect the integrity and accuracy of vital records, a certificate
registered under chapter 93 may be amended only in accordance with sections 19a-41 to 19a-45, inclusive, chapter 93, regulations adopted by the Commissioner of Public Health pursuant to chapter 54 and uniform procedures prescribed by the commissioner. Only the commissioner may amend birth certificates to reflect changes concerning parentage, gender change, or change in designation of sex by an intersex person. Amendments related to parentage, gender change, or change in designation of sex by an intersex person shall result in the creation of a replacement certificate that supersedes the original, and shall in no way reveal the original language changed by the amendment. Any amendment to a vital record made by the registrar of vital statistics of the town in which the vital event occurred or by the commissioner shall be in accordance with such regulations and uniform procedures.

(b) The commissioner and the registrar of vital statistics shall maintain sufficient documentation, as prescribed by the commissioner, to support amendments and shall ensure the confidentiality of such documentation as required by law. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made part of the record and the original certificate shall be marked "Amended", except for amendments due to parentage, gender change, or change in designation of sex by an intersex person. When the registrar of the town in which the vital event occurred amends a certificate, such registrar shall, within ten days of making such amendment, forward an amended certificate to the commissioner and to any registrar having a copy of the certificate. When the commissioner amends a birth certificate, including changes due to parentage, gender change or designation of sex by an intersex person, the commissioner shall forward an amended certificate to the registrars of vital statistics affected and their records shall be amended accordingly.

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

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

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

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

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

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

(h) When an amendment under this section involves the changing of existing language on a death certificate due to an error pertaining to the cause of death, the death certificate shall be amended in such a manner that the original language is still visible. A copy of the death certificate shall be made. The original death certificate shall be sealed and kept in a confidential file at the department and only the commissioner may order it unsealed. The copy shall be amended in such a manner that the language to be changed is no longer visible. The copy shall be a public document.
(i) The commissioner shall issue a new birth certificate to reflect a gender change upon receipt of the following documents submitted in the form and manner prescribed by the commissioner: (1) A written request from the applicant, signed under penalty of law, for a replacement birth certificate to reflect that the applicant's gender differs from the sex designated on the original birth certificate; (2) a notarized affidavit by a physician licensed pursuant to chapter 370 or holding a current license in good standing in another state, an advanced practice registered nurse licensed pursuant to chapter 378 or holding a current license in good standing in another state, or a psychologist licensed pursuant to chapter 383 or holding a current license in good standing in another state, stating that the applicant has undergone surgical, hormonal or other treatment clinically appropriate for the applicant for the purpose of gender transition; and (3) if an applicant is also requesting a change of name listed on the original birth certificate, proof of a legal name change. The new birth certificate shall reflect the new gender identity by way of a change in the sex designation on the original birth certificate and, if applicable, the legal name change.

(j) The commissioner shall issue a new birth certificate to reflect a change in designation of sex by a person as an intersex person upon receipt of the following documents submitted in the form and manner prescribed by the commissioner: (1) A written request from the applicant, signed under penalty of law, for a replacement birth certificate to reflect that the applicant seeks to change the designation of sex on the original birth certificate; (2) a notarized affidavit by a physician licensed pursuant to chapter 370 or holding a current license in good standing in another state, an advanced practice registered nurse licensed pursuant to chapter 378 or holding a current license in good standing in another state, or a psychologist licensed pursuant to chapter 383 or holding a current license in good standing in another state, stating that the applicant has intersex characteristics; and (3) if an applicant is also requesting a change of name listed on the original birth certificate, proof of a legal name change. The new birth certificate
shall reflect the newly designated sex by way of a change in the sex designation on the original birth certificate and, if applicable, the legal name change.

Sec. 6. (NEW) (Effective October 1, 2019) An agency, as defined in section 1-200 of the general statutes, that requires a person to identify the person's sex for any reason shall accept as proof of the person's identification as intersex an identity card or motor vehicle operator's license issued by the Department of Motor Vehicles or a birth certificate issued by the Department of Public Health or a registrar of vital statistics and shall specify the person's sex as intersex on any documentation generated by such department or agency on which the sex of the person is identified. For purposes of this section, "intersex" means a condition in which an individual is born with a reproductive or sexual anatomy or chromosome pattern that does not fit the typical definitions of male or female.

Sec. 7. (NEW) (Effective from passage) (a) There is established a task force to study the circumstances in which a surgery related to a person's intersex status is medically necessary.

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

(1) Two appointed by the speaker of the House of Representatives;

(2) Two appointed by the president pro tempore of the Senate;

(3) One appointed by the majority leader of the House of Representatives;

(4) One appointed by the majority leader of the Senate;

(5) One appointed by the minority leader of the House of Representatives;

(6) One appointed by the minority leader of the Senate;

(c) Any member of the task force appointed under subsection (b) of
this section may be a member of the General Assembly.

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

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

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

(g) Not later than January 1, 2020, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to public health, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date 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                  | October 1, 2019 | 46a-51          |
| Sec. 2                     | October 1, 2019 | 1-1h(a)         |
| Sec. 3                     | October 1, 2019 | New section     |
| Sec. 4                     | October 1, 2019 | 7-48(a)         |
| Sec. 5                     | October 1, 2019 | 19a-42          |
| Sec. 6                     | October 1, 2019 | New section     |
| Sec. 7                     | from passage    | New section     |