



General Assembly

February Session, 2020

Raised Bill No. 5290

LCO No. 1424



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING INTERSEX PERSONS.

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

1 Section 1. Section 46a-51 of the 2020 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2020*):

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

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

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

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

- 14 (4) "Commissioner" means a member of the commission;
- 15 (5) "Court" means the Superior Court or any judge of said court;
- 16 (6) "Discrimination" includes segregation and separation;
- 17 (7) "Discriminatory employment practice" means any discriminatory
18 practice specified in section 46a-60 or 46a-81c;
- 19 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
20 60a, 4a-60g, 31-40y, subparagraph (C) of subdivision (15) of section 46a-
21 54, subdivisions (16) and (17) of section 46a-54, section 46a-58, 46a-59,
22 46a-60, 46a-64, 46a-64c, 46a-66, 46a-68, 46a-68c to 46a-68f, inclusive, or
23 46a-70 to 46a-78, inclusive, subsection (a) of section 46a-80 or sections
24 46a-81b to 46a-81o, inclusive;
- 25 (9) "Employee" means any person employed by an employer but shall
26 not include any individual employed by such individual's parents,
27 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 the
34 purpose, in whole or in part, of collective bargaining or of dealing with
35 employers concerning grievances, terms or conditions of employment,
36 or of other mutual aid or protection in connection with employment;
- 37 (13) "Intellectual disability" means intellectual disability as defined in
38 section 1-1g;
- 39 (14) "Person" means one or more individuals, partnerships,
40 associations, corporations, limited liability companies, legal
41 representatives, trustees, trustees in bankruptcy, receivers and the state

42 and all political subdivisions and agencies thereof;

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

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

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

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

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

72 (20) "Mental disability" refers to an individual who has a record of, or

73 is regarded as having one or more mental disorders, as defined in the
74 most recent edition of the American Psychiatric Association's
75 "Diagnostic and Statistical Manual of Mental Disorders"; and

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

86 (22) "Veteran" means veteran as defined in subsection (a) of section
87 27-103.

88 Sec. 2. Subsection (a) of section 1-1h of the 2020 supplement to the
89 general statutes is repealed and the following is substituted in lieu
90 thereof (*Effective October 1, 2020*):

91 (a) Any person who does not possess a valid motor vehicle operator's
92 license may apply to the Department of Motor Vehicles for an identity
93 card. The application for an identity card shall be accompanied by the
94 birth certificate of the applicant or a certificate of identification of the
95 applicant issued and authorized for such use by the Department of
96 Correction and a fee of twenty-eight dollars. Such application shall
97 include: (1) The applicant's name; (2) the applicant's address; (3)
98 whether the address is permanent or temporary; (4) the applicant's date
99 of birth; (5) notice to the applicant that false statements on such
100 application are punishable under section 53a-157b; and (6) such other
101 pertinent information as the Commissioner of Motor Vehicles deems
102 necessary. An intersex applicant shall have the option of identifying the
103 applicant's sex as intersex. The commissioner shall accept as proof of
104 such applicant's identification as intersex, in a form and manner

105 prescribed by the commissioner, evidence of such applicant's intersex
106 characteristics and specify such applicant's sex as intersex on such
107 applicant's identity card. The applicant shall sign the application in the
108 presence of an official of the Department of Motor Vehicles. The
109 commissioner may waive the fee for any applicant (A) who has
110 voluntarily surrendered such applicant's motor vehicle operator's
111 license, (B) whose license has been refused by the commissioner
112 pursuant to subdivision (4) of subsection (e) of section 14-36, (C) who is
113 both a veteran, as defined in subsection (a) of section 27-103, and blind,
114 as defined in subsection (a) of section 1-1f, or (D) who is a resident of a
115 homeless shelter or other facility for homeless persons. The
116 commissioner shall adopt regulations, in accordance with the
117 provisions of chapter 54, to establish the procedure and qualifications
118 for the issuance of an identity card to any such homeless applicant. As
119 used in this subsection, "intersex" means a condition in which an
120 individual is born with a reproductive or sexual anatomy or
121 chromosome pattern that does not fit the typical definition of male or
122 female.

123 Sec. 3. (NEW) (*Effective October 1, 2020*) For purposes of issuing a
124 motor vehicle operator's license, including, but not limited to, a
125 commercial driver's license, in accordance with part III of chapter 246 of
126 the general statutes, the Commissioner of Motor Vehicles shall accept as
127 proof of an individual's identification as intersex, in a form and manner
128 prescribed by the commissioner, evidence of an individual's intersex
129 characteristics. The commissioner shall specify the sex of any individual
130 who submits such evidence as intersex on such individual's license. As
131 used in this section, "intersex" means a condition in which an individual
132 is born with a reproductive or sexual anatomy or chromosome pattern
133 that does not fit the typical definition of male or female.

134 Sec. 4. Subsection (a) of section 7-48 of the general statutes is repealed
135 and the following is substituted in lieu thereof (*Effective October 1, 2020*):

136 (a) Not later than ten days after each live birth which occurs in this
137 state, a birth certificate shall be filed with the registrar of vital statistics

138 in the town in which the birth occurred and the certificate shall be
139 registered if properly filed, by manual or electronic systems as
140 prescribed by the commissioner. [On and after January 1, 1994, each]
141 Each hospital with two hundred or more live births in any calendar year
142 [1990, or any subsequent calendar year,] shall electronically transmit
143 birth information data to the department in a computer format
144 approved by the department. Each birth certificate shall contain such
145 information as the department may require and shall be completed in
146 its entirety. The department shall accept evidence of a child's intersex
147 characteristics, in a form and manner prescribed by the commissioner,
148 and allow for the specification of the child's sex as intersex on the child's
149 birth certificate. Medical and health information which is required by
150 the department, including information regarding voluntary
151 acknowledgments of paternity and whether the child was born out of
152 wedlock, shall be recorded on a confidential portion of the certificate to
153 be sent directly to the department. Such confidential records may be
154 used for statistical and health purposes by the department or by a local
155 director of health, as authorized by the department, for records related
156 to the town served by the local director of health and where the mother
157 was a resident at the time of the birth of the child. Such birth certificate
158 and confidential records may be used internally by the hospital for
159 records transmitted by the hospital for statistical, health and quality
160 assurance purposes. The department shall give due consideration to
161 national uniformity in vital statistics in prescribing the format and
162 content of such certificate. As used in this subsection, "intersex" means
163 a condition in which an individual is born with a reproductive or sexual
164 anatomy or chromosome pattern that does not fit the typical definition
165 of male or female.

166 Sec. 5. Section 19a-42 of the general statutes is repealed and the
167 following is substituted in lieu thereof (*Effective October 1, 2020*):

168 (a) To protect the integrity and accuracy of vital records, a certificate
169 registered under chapter 93 may be amended only in accordance with
170 sections 19a-41 to 19a-45, inclusive, chapter 93, regulations adopted by
171 the Commissioner of Public Health pursuant to chapter 54 and uniform

172 procedures prescribed by the commissioner. Only the commissioner
173 may amend birth certificates to reflect changes concerning parentage,
174 [or] gender change or change in designation of sex by an intersex
175 person. Amendments related to parentage, [or] gender change or
176 change in designation of sex by an intersex person shall result in the
177 creation of a replacement certificate that supersedes the original, and
178 shall in no way reveal the original language changed by the amendment.
179 Any amendment to a vital record made by the registrar of vital statistics
180 of the town in which the vital event occurred or by the commissioner
181 shall be in accordance with such regulations and uniform procedures.

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

199 (c) An amended certificate shall supersede the original certificate that
200 has been changed and shall be marked "Amended", except for
201 amendments due to parentage, [or] gender change or designation of sex
202 by an intersex person. The original certificate in the case of parentage or
203 gender change shall be physically or electronically sealed and kept in a
204 confidential file by the department and the registrar of any town in
205 which the birth was recorded, and may be unsealed for issuance only as

206 provided in section 7-53 or upon a written order of a court of competent
207 jurisdiction. The amended certificate shall become the official record.

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

225 (2) If another father is listed on the birth certificate, the commissioner
226 shall not remove or replace the father's information unless presented
227 with a certified court order that meets the requirements specified in
228 section 7-50, or upon the proper filing of a rescission, in accordance with
229 the provisions of section 46b-172. The commissioner shall thereafter
230 amend such child's birth certificate to remove or change the father's
231 name and to change the name of the child, as requested at the time of
232 the filing of a rescission, in accordance with the provisions of section
233 46b-172. Birth certificates amended under this subsection shall not be
234 marked "Amended".

235 (e) When the parent or parents of a child request the amendment of
236 the child's birth certificate to reflect a new mother's name because the
237 name on the original certificate is fictitious, such parent or parents shall
238 obtain an order of a court of competent jurisdiction declaring the

239 putative mother to be the child's mother. Upon receipt of a certified copy
240 of such order, the department shall amend the child's birth certificate to
241 reflect the mother's true name.

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

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

253 (h) When an amendment under this section involves the changing of
254 existing language on a death certificate due to an error pertaining to the
255 cause of death, the death certificate shall be amended in such a manner
256 that the original language is still visible. A copy of the death certificate
257 shall be made. The original death certificate shall be sealed and kept in
258 a confidential file at the department and only the commissioner may
259 order it unsealed. The copy shall be amended in such a manner that the
260 language to be changed is no longer visible. The copy shall be a public
261 document.

262 (i) The commissioner shall issue a new birth certificate to reflect a
263 gender change upon receipt of the following documents submitted in
264 the form and manner prescribed by the commissioner: (1) A written
265 request from the applicant, signed under penalty of law, for a
266 replacement birth certificate to reflect that the applicant's gender differs
267 from the sex designated on the original birth certificate; (2) a notarized
268 affidavit by a physician licensed pursuant to chapter 370 or holding a
269 current license in good standing in another state, an advanced practice
270 registered nurse licensed pursuant to chapter 378 or holding a current

271 license in good standing in another state, or a psychologist licensed
272 pursuant to chapter 383 or holding a current license in good standing in
273 another state, stating that the applicant has undergone surgical,
274 hormonal or other treatment clinically appropriate for the applicant for
275 the purpose of gender transition; and (3) if an applicant is also
276 requesting a change of name listed on the original birth certificate, proof
277 of a legal name change. The new birth certificate shall reflect the new
278 gender identity by way of a change in the sex designation on the original
279 birth certificate and, if applicable, the legal name change.

280 (j) The commissioner shall issue a new birth certificate to reflect a
281 change in designation of sex by a person as an intersex person upon
282 receipt of the following documents submitted in the form and manner
283 prescribed by the commissioner: (1) A written request from the
284 applicant, signed under penalty of law, for a replacement birth
285 certificate to reflect that the applicant seeks to change the designation of
286 sex on the original birth certificate; (2) a notarized affidavit by a
287 physician licensed pursuant to chapter 370 or holding a current license
288 in good standing in another state, an advanced practice registered nurse
289 licensed pursuant to chapter 378 or holding a current license in good
290 standing in another state, or a psychologist licensed pursuant to chapter
291 383 or holding a current license in good standing in another state, stating
292 that the applicant has intersex characteristics; and (3) if an applicant is
293 also requesting a change of name listed on the original birth certificate,
294 proof of a legal name change. The new birth certificate shall reflect the
295 newly designated sex by way of a change in the sex designation on the
296 original birth certificate and, if applicable, the legal name change.

297 Sec. 6. (NEW) (*Effective October 1, 2020*) An agency, as defined in
298 section 1-200 of the general statutes, that requires a person to identify
299 the person's sex for any reason shall accept as proof of the person's
300 identification as intersex an identity card or motor vehicle operator's
301 license issued by the Department of Motor Vehicles or a birth certificate
302 issued by the Department of Public Health or a registrar of vital statistics
303 and shall specify the person's sex as intersex on any documentation
304 generated by such agency on which the sex of the person is identified.

305 For purposes of this section, "intersex" means a condition in which an
306 individual is born with a reproductive or sexual anatomy or
307 chromosome pattern that does not fit the typical definitions of male or
308 female.

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

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

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

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

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

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

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

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

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

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

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

331 (f) The administrative staff of the joint standing committee of the

332 General Assembly having cognizance of matters relating to public
333 health shall serve as administrative staff of the task force.

334 (g) Not later than January 1, 2021, the task force shall submit a report
335 on its findings and recommendations to the joint standing committee of
336 the General Assembly having cognizance of matters relating to public
337 health, in accordance with the provisions of section 11-4a of the general
338 statutes. The task force shall terminate on the date that it submits such
339 report or January 1, 2021, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	46a-51
Sec. 2	<i>October 1, 2020</i>	1-1h(a)
Sec. 3	<i>October 1, 2020</i>	New section
Sec. 4	<i>October 1, 2020</i>	7-48(a)
Sec. 5	<i>October 1, 2020</i>	19a-42
Sec. 6	<i>October 1, 2020</i>	New section
Sec. 7	<i>from passage</i>	New section

Statement of Purpose:

To address the needs of the intersex community who have suffered from discrimination and inaccurate documentation of their sex by providing relief from such issues.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]