

By: Ellzey

H.B. No. 217

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the required inclusion of a person's sex on a birth  
3 certificate and prohibited change of sex on the birth certificate  
4 of certain minors.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 192.002, Health and Safety Code, is  
7 amended by adding Subsection (c-1) to read as follows:

8 (c-1) The form must include a space for recording the  
9 biological sex of a child as either male or female.

10 SECTION 2. Section 192.003, Health and Safety Code, is  
11 amended by adding Subsections (f) and (g) to read as follows:

12 (f) Subject to Subsection (g), a person required to file a  
13 birth certificate under this section shall ensure the biological  
14 sex of a child, as determined by the sex organs, chromosomes, or  
15 endogenous profile of the child, is listed in the appropriate space  
16 on the child's birth certificate. A person required to report a  
17 birth under this section shall report the child's biological sex to  
18 the local registrar, and the local registrar shall list the  
19 biological sex in the appropriate space on the birth certificate.

20 (g) A person is not required to list on the birth  
21 certificate or report to the local registrar the biological sex of a  
22 child whose biological sex is not determined at birth because the  
23 child, as determined by a physician, has atypical or ambiguous sex  
24 organs, chromosomes, or endogenous profile for either male or

1 female. The birth certificate may be amended under Section 192.011  
2 at any time after the child's sex is determined to complete the  
3 information on the certificate by including the child's determined  
4 sex.

5 SECTION 3. Section 192.011, Health and Safety Code, is  
6 amended by amending Subsection (b) and adding Subsection (d) to  
7 read as follows:

8 (b) Except as provided by Subsection (d), on [On] the  
9 request of the person or the person's legal representative, the  
10 state registrar, local registrar, or other person who issues birth  
11 certificates shall issue a birth certificate that incorporates the  
12 completed or corrected information instead of issuing a copy of the  
13 original or supplementary certificate with an amending certificate  
14 attached.

15 (d) The state registrar, local registrar, or other person  
16 who issues a birth certificate under this section may not issue, and  
17 a court may not order the issuance of, an amending certificate or a  
18 birth certificate that incorporates the completed or corrected  
19 biological sex information for a minor unless:

20 (1) the certificate corrects a clerical error on the  
21 original birth certificate;

22 (2) the original birth certificate does not list the  
23 minor's biological sex as required by Section 192.003(f) and the  
24 certificate completes the information by listing the minor's  
25 biological sex; or

26 (3) for a minor who at birth had atypical or ambiguous  
27 sex organs, chromosomes, or endogenous profile for either male or

1 female and whose sex is later determined, the certificate:

2 (A) corrects the biological sex information  
3 listed as either male or female on an original birth certificate by  
4 listing the minor's determined sex as the other biological sex; or

5 (B) completes the biological sex information not  
6 previously listed on an original birth certificate by listing the  
7 determined sex.

8 SECTION 4. As soon as practicable after the effective date  
9 of this Act, the executive commissioner of the Health and Human  
10 Services Commission shall adopt rules necessary to implement the  
11 changes in law made by this Act.

12 SECTION 5. This Act takes effect on the 91st day after the  
13 last day of the legislative session.