By:  Perry S.B. No. 162

(In the Senate - Filed November 14, 2022; February 15, 2023, read first time and referred to Committee on State Affairs; March 22, 2023, reported favorably by the following vote: Yeas 8, Nays 3; March 22, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Paxton          X

Bettencourt     X

Birdwell        X

LaMantia            X

Menéndez            X

Middleton       X

Parker          X

Perry           X

Schwertner      X

Zaffirini           X

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

(g)  A person is not required to list on the birth certificate or report to the local registrar the biological sex of a child whose biological sex is not determined at birth because the child, as determined by a physician, has atypical or ambiguous sex organs, chromosomes, or endogenous profile for either male or female. The birth certificate may be amended under Section 192.011 at any time after the child's sex is determined to complete the information on the certificate by including the child's determined sex.

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

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

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

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

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

(3)  for a minor who at birth had atypical or ambiguous sex organs, chromosomes, or endogenous profile for either male or female and whose sex is later determined, the certificate:

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

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

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

SECTION 5.  This Act takes effect September 1, 2023.

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