

By: Rosenthal

H.B. No. 1102

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a change of name and sex for certain persons and the
3 issuance of associated vital records and documentation;
4 authorizing a fee.

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

6 SECTION 1. Subchapter A, Chapter 192, Health and Safety
7 Code, is amended by adding Section 192.0115 to read as follows:

8 Sec. 192.0115. CHANGE OF NAME AND SEX; ISSUANCE OF VITAL
9 RECORDS AND DOCUMENTATION. (a) A person born in this state may
10 apply for issuance of a new birth certificate with a change to the
11 person's name and sex incorporated into the certificate by
12 providing to the state registrar:

13 (1) a sworn affidavit of a physician licensed to
14 practice medicine in this state that:

15 (A) is written on the physician's letterhead;

16 (B) includes the physician's full name;

17 (C) includes the physician's medical license
18 number;

19 (D) includes the jurisdiction that issued the
20 physician's medical license;

21 (E) states a physician-patient relationship
22 exists between the physician and the applicant; and

23 (F) states the applicant has undergone a
24 clinically appropriate treatment for the purpose of transitioning

1 to another sex;

2 (2) a completed application on the form prescribed by
3 the department under Subsection (i); and

4 (3) the fee described by Subsection (m).

5 (b) The state registrar may not require the person applying
6 for a new birth certificate under this section to include a court
7 order authorizing the name change.

8 (c) A person is ineligible to apply for a new birth
9 certificate under this section if the person has been finally
10 convicted of a felony offense under or has been subject to the
11 registration requirements of Chapter 62, Code of Criminal
12 Procedure. In this subsection, a person is considered finally
13 convicted of a felony offense if for a felony offense:

14 (1) a sentence is imposed on the person;

15 (2) the person receives community supervision,
16 including deferred adjudication; or

17 (3) the court defers final disposition of the person's
18 case.

19 (d) A person who is ineligible under Subsection (c) to apply
20 for a new birth certificate under this section may petition for a
21 change of name in accordance with Chapter 45, Family Code.

22 (e) In processing an application under this section, the
23 state registrar shall determine whether the applicant is ineligible
24 under Subsection (c) to apply for a new birth certificate under this
25 section.

26 (f) The state registrar shall issue a new birth certificate
27 that incorporates the change of name and sex and attach to the birth

1 certificate a change of name and sex certificate if the application
2 filed under this section complies with this section and rules
3 adopted under this section. The new birth certificate may not
4 include the applicant's name and sex from a prior birth certificate
5 that are inaccurate for the new birth certificate.

6 (g) A change of name and sex certificate issued under this
7 section must include:

8 (1) the name and sex of the person before the
9 certificate is issued;

10 (2) the name and sex of the person after the
11 certificate is issued;

12 (3) the date the certificate is issued;

13 (4) the person's social security number and any
14 driver's license number; and

15 (5) the signature of the state registrar.

16 (h) A change of name and sex certificate issued under this
17 section constitutes proof of the change of name and sex of the
18 person named in the certificate.

19 (i) The department shall prescribe a form for applying for a
20 new birth certificate under this section. The form must:

21 (1) plainly state the eligibility requirements to
22 apply for a new birth certificate under this section;

23 (2) include a statement, to be signed by the
24 applicant, or the applicant's parent, legal guardian, or managing
25 conservator if the applicant is a minor, that to the best of the
26 person's knowledge, the applicant is eligible to apply for a new
27 birth certificate under this section; and

1 (3) require the written, signed consent of the
2 applicant's parent, legal guardian, or managing conservator if the
3 applicant is a minor.

4 (j) The state registrar shall arrange, bind, and
5 permanently preserve in a systematic manner change of name and sex
6 certificates issued under this section and the application and
7 supporting information submitted with the application filed under
8 this section.

9 (k) A certified copy of a change of name and sex certificate
10 issued under this section is prima facie evidence of the facts
11 stated in the record.

12 (l) Subject to department rules controlling the
13 accessibility of vital records, the state registrar shall supply to
14 a properly qualified applicant, on request, a certified copy of a
15 change of name and sex certificate issued under this section.

16 (m) The executive commissioner shall adopt rules to
17 implement this section and set a fee for an application filed under
18 this section in an amount reasonable and necessary for the
19 department to administer this section.

20 SECTION 2. The heading to Section 191.028, Health and
21 Safety Code, is amended to read as follows:

22 Sec. 191.028. GENERAL AMENDMENT OF CERTIFICATE.

23 SECTION 3. Section 191.028(a), Health and Safety Code, is
24 amended to read as follows:

25 (a) A record of a birth, death, or fetal death accepted by a
26 local registrar for registration may not be changed except as
27 provided by Subsection (b) or Section 192.0115.

1 SECTION 4. The heading to Section 192.011, Health and
2 Safety Code, is amended to read as follows:

3 Sec. 192.011. AMENDING BIRTH CERTIFICATE FOR COMPLETION OR
4 CORRECTION.

5 SECTION 5. As soon as practicable after the effective date
6 of this Act, the executive commissioner of the Health and Human
7 Services Commission shall adopt rules necessary to implement
8 Section 192.0115, Health and Safety Code, as added by this Act.

9 SECTION 6. This Act takes effect September 1, 2023.