

By: Middleton, et al.

S.B. No. 406

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 persons.

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 person 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

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, a birth certificate that
18 incorporates the completed or corrected biological sex information
19 for a person 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 person's biological sex as required by Section 192.003(f) and the
24 certificate completes the information by listing the person's
25 biological sex; or

26 (3) for a person 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 person'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 person's 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 September 1, 2025.