

1-1 By: Middleton, Hall S.B. No. 406  
1-2 (In the Senate - Filed November 21, 2024; February 3, 2025,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 March 17, 2025, reported favorably by the following vote: Yeas 10,  
1-5 Nays 0; March 17, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Hughes	X		
1-9	Paxton	X		
1-10	Bettencourt	X		
1-11	Birdwell	X		
1-12	Hall	X		
1-13	Hinojosa of Nueces	X		
1-14	Middleton	X		
1-15	Parker	X		
1-16	Perry	X		
1-17	Schwertner	X		
1-18	Zaffirini		X	

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the required inclusion of a person's sex on a birth  
1-22 certificate and prohibited change of sex on the birth certificate  
1-23 of certain persons.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 192.002, Health and Safety Code, is  
1-26 amended by adding Subsection (c-1) to read as follows:

1-27 (c-1) The form must include a space for recording the  
1-28 biological sex of a person as either male or female.

1-29 SECTION 2. Section 192.003, Health and Safety Code, is  
1-30 amended by adding Subsections (f) and (g) to read as follows:

1-31 (f) Subject to Subsection (g), a person required to file a  
1-32 birth certificate under this section shall ensure the biological  
1-33 sex of a child, as determined by the sex organs, chromosomes, or  
1-34 endogenous profile of the child, is listed in the appropriate space  
1-35 on the child's birth certificate. A person required to report a  
1-36 birth under this section shall report the child's biological sex to  
1-37 the local registrar, and the local registrar shall list the  
1-38 biological sex in the appropriate space on the birth certificate.

1-39 (g) A person is not required to list on the birth  
1-40 certificate or report to the local registrar the biological sex of a  
1-41 child whose biological sex is not determined at birth because the  
1-42 child, as determined by a physician, has atypical or ambiguous sex  
1-43 organs, chromosomes, or endogenous profile for either male or  
1-44 female. The birth certificate may be amended under Section 192.011  
1-45 at any time after the child's sex is determined to complete the  
1-46 information on the certificate by including the child's determined  
1-47 sex.

1-48 SECTION 3. Section 192.011, Health and Safety Code, is  
1-49 amended by amending Subsection (b) and adding Subsection (d) to  
1-50 read as follows:

1-51 (b) Except as provided by Subsection (d), on [On] the  
1-52 request of the person or the person's legal representative, the  
1-53 state registrar, local registrar, or other person who issues birth  
1-54 certificates shall issue a birth certificate that incorporates the  
1-55 completed or corrected information instead of issuing a copy of the  
1-56 original or supplementary certificate with an amending certificate  
1-57 attached.

1-58 (d) The state registrar, local registrar, or other person  
1-59 who issues a birth certificate under this section may not issue, and  
1-60 a court may not order the issuance of, a birth certificate that  
1-61 incorporates the completed or corrected biological sex information

2-1 for a person unless:

2-2 (1) the certificate corrects a clerical error on the  
2-3 original birth certificate;

2-4 (2) the original birth certificate does not list the  
2-5 person's biological sex as required by Section 192.003(f) and the  
2-6 certificate completes the information by listing the person's  
2-7 biological sex; or

2-8 (3) for a person who at birth had atypical or ambiguous  
2-9 sex organs, chromosomes, or endogenous profile for either male or  
2-10 female and whose sex is later determined, the certificate:

2-11 (A) corrects the biological sex information  
2-12 listed as either male or female on an original birth certificate by  
2-13 listing the person's determined sex as the other biological sex; or

2-14 (B) completes the biological sex information not  
2-15 previously listed on an original birth certificate by listing the  
2-16 person's determined sex.

2-17 SECTION 4. As soon as practicable after the effective date  
2-18 of this Act, the executive commissioner of the Health and Human  
2-19 Services Commission shall adopt rules necessary to implement the  
2-20 changes in law made by this Act.

2-21 SECTION 5. This Act takes effect September 1, 2025.

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