

By: Hall, et al.

S.B. No. 1696

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the inclusion of a person's sex on certain government  
3 documents and identification cards.

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

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

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

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

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

19 (g) A person is not required to list on the birth  
20 certificate or report to the local registrar the biological sex of a  
21 child whose biological sex is not determined at birth because the  
22 child, as determined by a physician, has atypical or ambiguous sex  
23 organs, chromosomes, or endogenous profile for either male or  
24 female. The birth certificate may be amended under Section 192.011

1 at any time after the child's sex is determined to complete the  
2 information on the certificate by including the child's determined  
3 sex.

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

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

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

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

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

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

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

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

7           (4) the person was previously issued a birth  
8 certificate that listed the person's sex as the opposite of the  
9 person's biological sex as determined by the sex organs,  
10 chromosomes, or endogenous profile of the person at birth and the  
11 certificate corrects the biological sex information.

12           SECTION 4. Sections 193.001(a) and (a-1), Health and Safety  
13 Code, are amended to read as follows:

14           (a) The department shall prescribe the form and contents of  
15 death certificates and fetal death certificates. The form must  
16 include a space for recording the biological sex of a decedent as  
17 either male or female.

18           (a-1) In prescribing each form under Subsection (a), the  
19 department shall ensure that the form instructs the person required  
20 to file the death certificate or fetal death certificate to:

21           (1) enter the date in the standard order of "month,  
22 day, year"; ~~and~~

23           (2) spell out the name of the month when entering the  
24 date; and

25           (3) record the decedent's biological sex as either  
26 male or female as determined at the decedent's birth.

27           SECTION 5. Chapter 193, Health and Safety Code, is amended

1 by adding Section 193.013 to read as follows:

2 Sec. 193.013. PROHIBITED AMENDMENT OF BIOLOGICAL SEX  
3 INFORMATION ON DEATH CERTIFICATE. (a) The department or a local  
4 registrar with whom a decedent's death certificate is filed may not  
5 issue, and a court may not order the issuance of, a death  
6 certificate that lists the decedent's sex as the opposite of the  
7 decedent's biological sex as determined by the sex organs,  
8 chromosomes, or endogenous profile of the decedent at birth.

9 (b) The department or a local registrar with whom a  
10 decedent's death certificate is filed may issue a death certificate  
11 that corrects the decedent's biological sex if a death certificate  
12 was previously issued for the decedent that listed the decedent's  
13 sex as the opposite of the decedent's biological sex as determined  
14 by the sex organs, chromosomes, or endogenous profile of the  
15 decedent at birth.

16 SECTION 6. Section 521.101, Transportation Code, is amended  
17 by adding Subsection (o) to read as follows:

18 (o) The application for the personal identification  
19 certificate must provide space for the applicant to identify the  
20 applicant's biological sex as either male or female as determined  
21 at birth.

22 SECTION 7. Section 521.121(a), Transportation Code, is  
23 amended to read as follows:

24 (a) The driver's license must include:

25 (1) a distinguishing number assigned by the department  
26 to the license holder;

27 (2) a photograph of the entire face of the holder;

1 (3) the full name and date of birth of the holder;

2 (4) a brief description of the holder, including the  
3 holder's biological sex as either male or female as determined at  
4 birth; and

5 (5) the license holder's residence address or, for a  
6 license holder using the procedure under Subsection (c), the street  
7 address of the courthouse in which the license holder or license  
8 holder's spouse or parent serves as a federal judge, including a  
9 federal bankruptcy judge, a marshal of the United States Marshals  
10 Service, a United States attorney, or a state judge.

11 SECTION 8. Section [521.142\(c\)](#), Transportation Code, is  
12 amended to read as follows:

13 (c) The application must state:

14 (1) the applicant's biological sex as either male or  
15 female as determined at birth [~~of the applicant~~];

16 (2) the residence address of the applicant, or if the  
17 applicant is a federal judge, including a federal bankruptcy judge,  
18 a marshal of the United States Marshals Service, a United States  
19 attorney, or a state judge, or a family member of a federal judge,  
20 including a federal bankruptcy judge, a marshal of the United  
21 States Marshals Service, a United States attorney, or a state judge  
22 using the procedure developed under Section [521.121\(c\)](#), the street  
23 address of the courthouse or office building in which the applicant  
24 or the applicant's spouse or parent serves as a federal judge,  
25 including a federal bankruptcy judge, a marshal of the United  
26 States Marshals Service, a United States attorney, or a state  
27 judge;

1           (3) whether the applicant has been licensed to drive a  
2 motor vehicle before;

3           (4) if previously licensed, when and by what state or  
4 country;

5           (5) whether that license has been suspended or revoked  
6 or a license application denied;

7           (6) the date and reason for the suspension,  
8 revocation, or denial;

9           (7) whether the applicant is a citizen of the United  
10 States; and

11           (8) the county of residence of the applicant.

12           SECTION 9. Section [522.021\(a\)](#), Transportation Code, is  
13 amended to read as follows:

14           (a) An application for a commercial driver's license or  
15 commercial learner's permit must include:

16           (1) the full name and current residence and mailing  
17 address of the applicant;

18           (2) a physical description of the applicant, including  
19 the applicant's:

20                    (A) biological sex as either male or female as  
21 determined at birth;

22                    (B) [ ] height; [ ] and

23                    (C) eye color;

24           (3) the applicant's date of birth;

25           (4) the applicant's social security number, unless the  
26 application is for a non-domiciled commercial driver's license and  
27 the applicant is domiciled in a foreign jurisdiction;

1           (5) certifications, including those required by 49  
2 C.F.R. Section 383.71(a); and

3           (6) any other information required by the department.

4           SECTION 10. Section 522.030(a), Transportation Code, is  
5 amended to read as follows:

6           (a) A commercial driver's license or commercial learner's  
7 permit must:

8           (1) be marked:

9                   (A) "Commercial Driver License" or "CDL" for a  
10 commercial driver's license; or

11                   (B) "Commercial Learner's Permit" or "CLP" for a  
12 commercial learner's permit;

13           (2) be, to the extent practicable, tamper-proof; and

14           (3) include:

15                   (A) the name and domicile address of the person  
16 to whom it is issued;

17                   (B) the person's photograph;

18                   (C) a physical description of the person,  
19 including the person's:

20                           (i) biological sex as either male or female  
21 as determined at birth;

22                           (ii) [ ] height; [ ] and

23                           (iii) eye color;

24                   (D) the person's date of birth;

25                   (E) a number or identifier the department  
26 considers appropriate;

27                   (F) the person's signature;

1                   (G) each class of commercial motor vehicle that  
2 the person is authorized to drive, with any endorsements or  
3 restrictions;

4                   (H) the name of this state; and

5                   (I) the dates between which the license is valid.

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

10           SECTION 12. The changes in law made by this Act to Chapters  
11 521 and 522, Transportation Code, apply only to a driver's license,  
12 commercial driver's license, commercial learner's permit, or  
13 personal identification certificate issued or renewed under  
14 Chapter 521 or 522, Transportation Code, on or after the effective  
15 date of this Act.

16           SECTION 13. This Act takes effect immediately if it  
17 receives a vote of two-thirds of all the members elected to each  
18 house, as provided by Section 39, Article III, Texas Constitution.  
19 If this Act does not receive the vote necessary for immediate  
20 effect, this Act takes effect September 1, 2025.