

Senator Todd Weiler proposes the following substitute bill:

SEX CHANGE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses legally changing an individual's sex.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ addresses duties of state registrar;
- ▶ addresses a court process for a legal sex change petition;
- ▶ establishes what a court considers;
- ▶ establishes effect of proceedings;
- ▶ addresses combined petitions; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-2-11, as last amended by Laws of Utah 1995, Chapter 202



26 ENACTS:

27 **78B-6-2200**, Utah Code Annotated 1953

28 **78B-6-2201**, Utah Code Annotated 1953

29 **78B-6-2202**, Utah Code Annotated 1953

30 **78B-6-2203**, Utah Code Annotated 1953

31 **78B-6-2204**, Utah Code Annotated 1953

32 **78B-6-2205**, Utah Code Annotated 1953

33

34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **26-2-11** is amended to read:

36 **26-2-11. Name or sex change -- Registration of court order and amendment of**
37 **birth certificate.**

38 (1) When a person born in this state has a name change under Title 42, Chapter 1,
39 Change of Name, or sex change under Title 78B, Chapter 6, Part 22, Change of Legal Sex,
40 approved by an order of a Utah district court or a name or sex change approved by a court of
41 competent jurisdiction of another state or a province of Canada, a certified copy of the order
42 [may] shall be filed with the state registrar with an application form provided by the registrar.

43 (2) (a) Upon receipt of the application, a certified copy of the order, and payment of the
44 required fee, the state registrar shall review the application, and if complete, register it and note
45 the fact of the amendment on the otherwise unaltered original birth certificate.

46 (b) The amendment shall be registered with and become a part of the original birth
47 certificate and a certified copy shall be issued to the applicant without additional cost.

48 (3) (a) Upon receipt of the application, a certified copy of the order, and payment of the
49 required fee, the state registrar shall review the application, and if complete, register the
50 application.

51 (b) The state registrar shall make a notation of a name change amendment on a copy of
52 a certified birth certificate.

53 (c) The state registrar may not make a notation of a legal sex change amendment, or
54 combined legal sex and name change amendment, on a certified copy of a birth certificate.

55 Section 2. Section **78B-6-2200** is enacted to read:

56 **Part 22. Change of Legal Sex**

57 78B-6-2200. Title.

58 This part is known as "Change of Legal Sex."

59 Section 3. Section **78B-6-2201** is enacted to read:

60 78B-6-2201. Definitions.

61 As used in this part:

62 (1) "Individual" means a natural person.

63 (2) "Petitioner" means an individual who files a petition under Section [78B-6-2202](#).

64 Section 4. Section **78B-6-2202** is enacted to read:

65 78B-6-2202. By petition to court -- Contents.

66 (1) An individual, desiring to change the individual's legal sex, may file a petition:

67 (a) (i) in a court of competent jurisdiction in the county in which the petitioner resides;

68 or

69 (ii) if an individual born in Utah but not residing in Utah, in the district encompassing

70 Salt Lake City; and

71 (b) if the individual is 18 years of age or older.

72 (2) A petition for change of legal sex shall set forth:

73 (a) the cause for which the change of legal sex is sought;

74 (b) the proposed legal sex;

75 (c) that the petitioner is not involved in a court action or proceeding other than the

76 proceeding to change the petitioner's legal sex, or if so, a description of the court action or

77 proceeding;

78 (d) that the petitioner is not on probation or parole, or that the petitioner has given

79 written notice of the petitioner's petition for legal sex change to the petitioner's probation or

80 parole officers;

81 (e) that the petitioner is not changing the petitioner's legal sex to avoid creditors or

82 anyone else with a claim against the petitioner;

83 (f) that the change in legal sex will not affect any right, title, or interest of anyone else;

84 (g) that the change in legal sex is not being done for any illegal, fraudulent, or wrongful

85 purpose; and

86 (h) that the petitioner has a sincerely held belief that it is part of the petitioner's core

87 identity that the petitioner is of a sex different than the sex listed on the original birth

88 certificate; and

89 (i) that the petitioner's medical history, care, or treatment is consistent with a uniform
90 assertion of a sex change, as verified by a qualified, licensed physician or psychologist.

91 Section 5. Section **78B-6-2203** is enacted to read:

92 **78B-6-2203. Notice of hearing -- Order of change.**

93 (1) A court of competent jurisdiction that receives a petition under Section
94 78B-6-2202:

95 (a) shall schedule a hearing; and

96 (b) may order the petitioner to provide notice of the hearing to other parties with a legal
97 interest.

98 (2) (a) A court of competent jurisdiction shall order a change of legal sex as requested,
99 upon proof of the assertions of the petition filed under Section 78B-6-2202.

100 (b) If the court orders a legal sex change, the court shall order that the legal sex is
101 female, male, or other.

102 (3) (a) Notwithstanding any other section, a court may close to the public a hearing
103 related to a petition for change of legal sex upon request of the petitioner and court approval.

104 (b) A petition for change of legal sex and any related documents filed in connection
105 with the petition are protected records under Title 63G, Chapter 2, Government Records
106 Access and Management Act.

107 Section 6. Section **78B-6-2204** is enacted to read:

108 **78B-6-2204. Effect of proceedings.**

109 A proceeding for a change of legal sex under this part does not affect a pending legal
110 action, pending proceeding, right, title, or interest.

111 Section 7. Section **78B-6-2205** is enacted to read:

112 **78B-6-2205. Combined petitions.**

113 A petition for a change of legal sex under this part and a petition for a change of name
114 under Title 42, Chapter 1, Change of Name, may be combined into a single petition.