



General Assembly

January Session, 2021

Committee Bill No. 100

LCO No. 3924



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING INTERSEX PERSONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-51 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 As used in section 4a-60a and this chapter:

4 (1) "Blind" refers to an individual whose central visual acuity does
5 not exceed 20/200 in the better eye with correcting lenses, or whose
6 visual acuity is greater than 20/200 but is accompanied by a limitation
7 in the fields of vision such that the widest diameter of the visual field
8 subtends an angle no greater than twenty degrees;

9 (2) "Commission" means the Commission on Human Rights and
10 Opportunities created by section 46a-52;

11 (3) "Commission legal counsel" means a member of the legal staff
12 employed by the commission pursuant to section 46a-54;

13 (4) "Commissioner" means a member of the commission;

- 14 (5) "Court" means the Superior Court or any judge of said court;
- 15 (6) "Discrimination" includes segregation and separation;
- 16 (7) "Discriminatory employment practice" means any discriminatory
17 practice specified in section 46a-60 or 46a-81c;
- 18 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
19 60a, 4a-60g, 31-40y, subparagraph (C) of subdivision (15) of section 46a-
20 54, subdivisions (16) and (17) of section 46a-54, section 46a-58, 46a-59,
21 46a-60, 46a-64, 46a-64c, 46a-66, 46a-68, 46a-68c to 46a-68f, inclusive, or
22 46a-70 to 46a-78, inclusive, subsection (a) of section 46a-80 or sections
23 46a-81b to 46a-81o, inclusive;
- 24 (9) "Employee" means any person employed by an employer but shall
25 not include any individual employed by such individual's parents,
26 spouse or child;
- 27 (10) "Employer" includes the state and all political subdivisions
28 thereof and means any person or employer with three or more persons
29 in such person's or employer's employ;
- 30 (11) "Employment agency" means any person undertaking with or
31 without compensation to procure employees or opportunities to work;
- 32 (12) "Labor organization" means any organization which exists for the
33 purpose, in whole or in part, of collective bargaining or of dealing with
34 employers concerning grievances, terms or conditions of employment,
35 or of other mutual aid or protection in connection with employment;
- 36 (13) "Intellectual disability" means intellectual disability as defined in
37 section 1-1g;
- 38 (14) "Person" means one or more individuals, partnerships,
39 associations, corporations, limited liability companies, legal
40 representatives, trustees, trustees in bankruptcy, receivers and the state
41 and all political subdivisions and agencies thereof;

42 (15) "Physically disabled" refers to any individual who has any
43 chronic physical handicap, infirmity or impairment, whether congenital
44 or resulting from bodily injury, organic processes or changes or from
45 illness, including, but not limited to, epilepsy, deafness or being hard of
46 hearing or reliance on a wheelchair or other remedial appliance or
47 device;

48 (16) "Respondent" means any person alleged in a complaint filed
49 pursuant to section 46a-82 to have committed a discriminatory practice;

50 (17) "Discrimination on the basis of sex" includes but is not limited to
51 discrimination related to pregnancy, child-bearing capacity,
52 sterilization, fertility, intersex characteristics or related medical
53 conditions. As used in this subdivision, "intersex" means a condition in
54 which an individual is born with a reproductive or sexual anatomy or
55 chromosome pattern that does not fit the typical definition of male or
56 female;

57 (18) "Discrimination on the basis of religious creed" includes but is
58 not limited to discrimination related to all aspects of religious
59 observances and practice as well as belief, unless an employer
60 demonstrates that the employer is unable to reasonably accommodate
61 to an employee's or prospective employee's religious observance or
62 practice without undue hardship on the conduct of the employer's
63 business;

64 (19) "Learning disability" refers to an individual who exhibits a severe
65 discrepancy between educational performance and measured
66 intellectual ability and who exhibits a disorder in one or more of the
67 basic psychological processes involved in understanding or in using
68 language, spoken or written, which may manifest itself in a diminished
69 ability to listen, speak, read, write, spell or to do mathematical
70 calculations;

71 (20) "Mental disability" refers to an individual who has a record of, or
72 is regarded as having one or more mental disorders, as defined in the

73 most recent edition of the American Psychiatric Association's
74 "Diagnostic and Statistical Manual of Mental Disorders"; and

75 (21) "Gender identity or expression" means a person's gender-related
76 identity, appearance or behavior, whether or not that gender-related
77 identity, appearance or behavior is different from that traditionally
78 associated with the person's physiology or assigned sex at birth, which
79 gender-related identity can be shown by providing evidence including,
80 but not limited to, medical history, care or treatment of the gender-
81 related identity, consistent and uniform assertion of the gender-related
82 identity or any other evidence that the gender-related identity is
83 sincerely held, part of a person's core identity or not being asserted for
84 an improper purpose.

85 (22) "Veteran" means veteran as defined in subsection (a) of section
86 27-103.

87 Sec. 2. Subsection (a) of section 1-1h of the general statutes is repealed
88 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

89 (a) Any person who does not possess a valid motor vehicle operator's
90 license may apply to the Department of Motor Vehicles for an identity
91 card. The application for an identity card shall be accompanied by the
92 birth certificate of the applicant or a certificate of identification of the
93 applicant issued and authorized for such use by the Department of
94 Correction and a fee of twenty-eight dollars. Such application shall
95 include: (1) The applicant's name; (2) the applicant's address; (3)
96 whether the address is permanent or temporary; (4) the applicant's date
97 of birth; (5) notice to the applicant that false statements on such
98 application are punishable under section 53a-157b; and (6) such other
99 pertinent information as the Commissioner of Motor Vehicles deems
100 necessary. An intersex applicant shall have the option of identifying the
101 applicant's sex as intersex. The commissioner shall accept as proof of
102 such applicant's identification as intersex, in a form and manner
103 prescribed by the commissioner, evidence of such applicant's intersex
104 characteristics and specify such applicant's sex as intersex on such

105 applicant's identity card. The applicant shall sign the application in the
106 presence of an official of the Department of Motor Vehicles. The
107 commissioner may waive the fee for any applicant (A) who has
108 voluntarily surrendered such applicant's motor vehicle operator's
109 license, (B) whose license has been refused by the commissioner
110 pursuant to subdivision (4) of subsection (e) of section 14-36, (C) who is
111 both a veteran, as defined in subsection (a) of section 27-103, and blind,
112 as defined in subsection (a) of section 1-1f, or (D) who is a resident of a
113 homeless shelter or other facility for homeless persons. The
114 commissioner shall adopt regulations, in accordance with the
115 provisions of chapter 54, to establish the procedure and qualifications
116 for the issuance of an identity card to any such homeless applicant. As
117 used in this subsection, "intersex" means a condition in which an
118 individual is born with a reproductive or sexual anatomy or
119 chromosome pattern that does not fit the typical definition of male or
120 female.

121 Sec. 3. (NEW) (*Effective October 1, 2021*) For purposes of issuing a
122 motor vehicle operator's license, including, but not limited to, a
123 commercial driver's license, in accordance with part III of chapter 246 of
124 the general statutes, the Commissioner of Motor Vehicles shall accept as
125 proof of an individual's identification as intersex, in a form and manner
126 prescribed by the commissioner, evidence of an individual's intersex
127 characteristics. The commissioner shall specify the sex of any individual
128 who submits such evidence as intersex on such individual's license. As
129 used in this section, "intersex" means a condition in which an individual
130 is born with a reproductive or sexual anatomy or chromosome pattern
131 that does not fit the typical definition of male or female.

132 Sec. 4. Subsection (a) of section 7-48 of the general statutes is repealed
133 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

134 (a) Not later than ten days after each live birth which occurs in this
135 state, a birth certificate shall be filed with the registrar of vital statistics
136 in the town in which the birth occurred and the certificate shall be

137 registered if properly filed, by manual or electronic systems as
138 prescribed by the commissioner. [On and after January 1, 1994, each]
139 Each hospital with two hundred or more live births in any calendar year
140 [1990, or any subsequent calendar year,] shall electronically transmit
141 birth information data to the department in a computer format
142 approved by the department. Each birth certificate shall contain such
143 information as the department may require and shall be completed in
144 its entirety. The department shall accept evidence of a child's intersex
145 characteristics, in a form and manner prescribed by the commissioner,
146 and allow for the specification of the child's sex as intersex on the child's
147 birth certificate. Medical and health information which is required by
148 the department, including information regarding voluntary
149 acknowledgments of paternity and whether the child was born out of
150 wedlock, shall be recorded on a confidential portion of the certificate to
151 be sent directly to the department. Such confidential records may be
152 used for statistical and health purposes by the department or by a local
153 director of health, as authorized by the department, for records related
154 to the town served by the local director of health and where the mother
155 was a resident at the time of the birth of the child. Such birth certificate
156 and confidential records may be used internally by the hospital for
157 records transmitted by the hospital for statistical, health and quality
158 assurance purposes. The department shall give due consideration to
159 national uniformity in vital statistics in prescribing the format and
160 content of such certificate. As used in this subsection, "intersex" means
161 a condition in which an individual is born with a reproductive or sexual
162 anatomy or chromosome pattern that does not fit the typical definition
163 of male or female.

164 Sec. 5. Section 19a-42 of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective October 1, 2021*):

166 (a) To protect the integrity and accuracy of vital records, a certificate
167 registered under chapter 93 may be amended only in accordance with
168 sections 19a-41 to 19a-45, inclusive, chapter 93, regulations adopted by
169 the Commissioner of Public Health pursuant to chapter 54 and uniform

170 procedures prescribed by the commissioner. Only the commissioner
171 may amend birth certificates to reflect changes concerning parentage,
172 [or] gender change or change in designation of sex by an intersex
173 person. Amendments related to parentage, [or] gender change or
174 change in designation of sex by an intersex person shall result in the
175 creation of a replacement certificate that supersedes the original, and
176 shall in no way reveal the original language changed by the amendment.
177 Any amendment to a vital record made by the registrar of vital statistics
178 of the town in which the vital event occurred or by the commissioner
179 shall be in accordance with such regulations and uniform procedures.

180 (b) The commissioner and the registrar of vital statistics shall
181 maintain sufficient documentation, as prescribed by the commissioner,
182 to support amendments and shall ensure the confidentiality of such
183 documentation as required by law. The date of amendment and a
184 summary description of the evidence submitted in support of the
185 amendment shall be endorsed on or made part of the record and the
186 original certificate shall be marked "Amended", except for amendments
187 due to parentage, [or] gender change or change in designation of sex by
188 an intersex person. When the registrar of the town in which the vital
189 event occurred amends a certificate, such registrar shall, within ten days
190 of making such amendment, forward an amended certificate to the
191 commissioner and to any registrar having a copy of the certificate. When
192 the commissioner amends a birth certificate, including changes due to
193 parentage, [or] gender change or change in designation of sex by an
194 intersex person, the commissioner shall forward an amended certificate
195 to the registrars of vital statistics affected and their records shall be
196 amended accordingly.

197 (c) An amended certificate shall supersede the original certificate that
198 has been changed and shall be marked "Amended", except for
199 amendments due to parentage, [or] gender change or change in
200 designation of sex by an intersex person. The original certificate in the
201 case of parentage or gender change shall be physically or electronically
202 sealed and kept in a confidential file by the department and the registrar

203 of any town in which the birth was recorded, and may be unsealed for
204 issuance only as provided in section 7-53 or upon a written order of a
205 court of competent jurisdiction. The amended certificate shall become
206 the official record.

207 (d) (1) Upon receipt of (A) an acknowledgment of paternity executed
208 in accordance with the provisions of subsection (a) of section 46b-172 by
209 both parents of a child born out of wedlock, or (B) a certified copy of an
210 order of a court of competent jurisdiction establishing the paternity of a
211 child born out of wedlock, the commissioner shall include on or amend,
212 as appropriate, such child's birth certificate to show such paternity if
213 paternity is not already shown on such birth certificate and to change
214 the name of the child under eighteen years of age if so indicated on the
215 acknowledgment of paternity form or within the certified court order as
216 part of the paternity action. If a person who is the subject of a voluntary
217 acknowledgment of paternity, as described in this subdivision, is
218 eighteen years of age or older, the commissioner shall obtain a notarized
219 affidavit from such person affirming that he or she agrees to the
220 commissioner's amendment of such person's birth certificate as such
221 amendment relates to the acknowledgment of paternity. The
222 commissioner shall amend the birth certificate for an adult child to
223 change his or her name only pursuant to a court order.

224 (2) If another father is listed on the birth certificate, the commissioner
225 shall not remove or replace the father's information unless presented
226 with a certified court order that meets the requirements specified in
227 section 7-50, or upon the proper filing of a rescission, in accordance with
228 the provisions of section 46b-172. The commissioner shall thereafter
229 amend such child's birth certificate to remove or change the father's
230 name and to change the name of the child, as requested at the time of
231 the filing of a rescission, in accordance with the provisions of section
232 46b-172. Birth certificates amended under this subsection shall not be
233 marked "Amended".

234 (e) When the parent or parents of a child request the amendment of

235 the child's birth certificate to reflect a new mother's name because the
236 name on the original certificate is fictitious, such parent or parents shall
237 obtain an order of a court of competent jurisdiction declaring the
238 putative mother to be the child's mother. Upon receipt of a certified copy
239 of such order, the department shall amend the child's birth certificate to
240 reflect the mother's true name.

241 (f) Upon receipt of a certified copy of an order of a court of competent
242 jurisdiction changing the name of a person born in this state and upon
243 request of such person or such person's parents, guardian, or legal
244 representative, the commissioner or the registrar of vital statistics of the
245 town in which the vital event occurred shall amend the birth certificate
246 to show the new name by a method prescribed by the department.

247 (g) When an applicant submits the documentation required by the
248 regulations to amend a vital record, the commissioner shall hold a
249 hearing, in accordance with chapter 54, if the commissioner has
250 reasonable cause to doubt the validity or adequacy of such
251 documentation.

252 (h) When an amendment under this section involves the changing of
253 existing language on a death certificate due to an error pertaining to the
254 cause of death, the death certificate shall be amended in such a manner
255 that the original language is still visible. A copy of the death certificate
256 shall be made. The original death certificate shall be sealed and kept in
257 a confidential file at the department and only the commissioner may
258 order it unsealed. The copy shall be amended in such a manner that the
259 language to be changed is no longer visible. The copy shall be a public
260 document.

261 (i) The commissioner shall issue a new birth certificate to reflect a
262 gender change upon receipt of the following documents submitted in
263 the form and manner prescribed by the commissioner: (1) A written
264 request from the applicant, signed under penalty of law, for a
265 replacement birth certificate to reflect that the applicant's gender differs
266 from the sex designated on the original birth certificate; (2) a notarized

267 affidavit by a physician licensed pursuant to chapter 370 or holding a
268 current license in good standing in another state, an advanced practice
269 registered nurse licensed pursuant to chapter 378 or holding a current
270 license in good standing in another state, or a psychologist licensed
271 pursuant to chapter 383 or holding a current license in good standing in
272 another state, stating that the applicant has undergone surgical,
273 hormonal or other treatment clinically appropriate for the applicant for
274 the purpose of gender transition; and (3) if an applicant is also
275 requesting a change of name listed on the original birth certificate, proof
276 of a legal name change. The new birth certificate shall reflect the new
277 gender identity by way of a change in the sex designation on the original
278 birth certificate and, if applicable, the legal name change.

279 (j) The commissioner shall issue a new birth certificate to reflect a
280 change in designation of sex by a person as an intersex person upon
281 receipt of the following documents submitted in the form and manner
282 prescribed by the commissioner: (1) A written request from the
283 applicant, signed under penalty of law, for a replacement birth
284 certificate to reflect that the applicant seeks to change the designation of
285 sex on the original birth certificate; (2) a notarized affidavit by a
286 physician licensed pursuant to chapter 370 or holding a current license
287 in good standing in another state, an advanced practice registered nurse
288 licensed pursuant to chapter 378 or holding a current license in good
289 standing in another state, or a psychologist licensed pursuant to chapter
290 383 or holding a current license in good standing in another state, stating
291 that the applicant has intersex characteristics; and (3) if an applicant is
292 also requesting a change of name listed on the original birth certificate,
293 proof of a legal name change. The new birth certificate shall reflect the
294 newly designated sex by way of a change in the sex designation on the
295 original birth certificate and, if applicable, the legal name change.

296 Sec. 6. (NEW) (*Effective October 1, 2021*) An agency, as defined in
297 section 1-200 of the general statutes, that requires a person to identify
298 the person's sex for any reason shall accept as proof of the person's
299 identification as intersex an identity card or motor vehicle operator's

300 license issued by the Department of Motor Vehicles or a birth certificate
301 issued by the Department of Public Health or a registrar of vital statistics
302 and shall specify the person's sex as intersex on any documentation
303 generated by such agency on which the sex of the person is identified.
304 For purposes of this section, "intersex" means a condition in which an
305 individual is born with a reproductive or sexual anatomy or
306 chromosome pattern that does not fit the typical definitions of male or
307 female.

308 Sec. 7. (*Effective from passage*) (a) There is established a task force to
309 study the circumstances in which a surgery related to a person's intersex
310 status is medically necessary.

311 (b) The task force shall consist of the following members:

312 (1) Two appointed by the speaker of the House of Representatives;

313 (2) Two appointed by the president pro tempore of the Senate;

314 (3) One appointed by the majority leader of the House of
315 Representatives;

316 (4) One appointed by the majority leader of the Senate;

317 (5) One appointed by the minority leader of the House of
318 Representatives; and

319 (6) One appointed by the minority leader of the Senate.

320 (c) Any member of the task force appointed under subsection (b) of
321 this section may be a member of the General Assembly.

322 (d) All appointments to the task force shall be made not later than
323 thirty days after the effective date of this section. Any vacancy shall be
324 filled by the appointing authority.

325 (e) The speaker of the House of Representatives and the president pro
326 tempore of the Senate shall select the chairpersons of the task force from

327 among the members of the task force. Such chairpersons shall schedule
328 the first meeting of the task force, which shall be held not later than sixty
329 days after the effective date of this section.

330 (f) The administrative staff of the joint standing committee of the
331 General Assembly having cognizance of matters relating to public
332 health shall serve as administrative staff of the task force.

333 (g) Not later than January 1, 2022, the task force shall submit a report
334 on its findings and recommendations to the joint standing committee of
335 the General Assembly having cognizance of matters relating to public
336 health, in accordance with the provisions of section 11-4a of the general
337 statutes. The task force shall terminate on the date that it submits such
338 report or January 1, 2022, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	46a-51
Sec. 2	<i>October 1, 2021</i>	1-1h(a)
Sec. 3	<i>October 1, 2021</i>	New section
Sec. 4	<i>October 1, 2021</i>	7-48(a)
Sec. 5	<i>October 1, 2021</i>	19a-42
Sec. 6	<i>October 1, 2021</i>	New section
Sec. 7	<i>from passage</i>	New section

Statement of Purpose:

To extend various health and legal protections to persons with intersex conditions.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. LESSER, 9th Dist.; REP. WINKLER, 56th Dist.
SEN. WINFIELD, 10th Dist.

S.B. 100