

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 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

ENACTS:



- 26 [78B-6-2200](#), Utah Code Annotated 1953
- 27 [78B-6-2201](#), Utah Code Annotated 1953
- 28 [78B-6-2202](#), Utah Code Annotated 1953
- 29 [78B-6-2203](#), Utah Code Annotated 1953
- 30 [78B-6-2204](#), Utah Code Annotated 1953
- 31 [78B-6-2205](#), Utah Code Annotated 1953

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

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

35 **26-2-11. Name or sex change -- Registration of court order and amendment of**
36 **birth certificate.**

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

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

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

47 (c) Upon a showing of good cause, a court may direct the state registrar to seal the
48 certified copy of the court order, the application, and the original certificate. A certified copy of
49 the birth certificate issued to the applicant may not indicate that it has been amended.

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

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

52 **78B-6-2200. Title.**

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

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

55 **78B-6-2201. Definitions.**

56 As used in this part:

- 57 (1) "Individual" means a natural person.
- 58 (2) "Petitioner" means an individual who files a petition under Section [78B-6-2202](#).
- 59 Section 4. Section **78B-6-2202** is enacted to read:
- 60 **78B-6-2202. By petition to court -- Contents.**
- 61 (1) An individual, desiring to change the individual's legal sex, may file a petition:
- 62 (a) (i) in a court of competent jurisdiction in the county in which the petitioner resides;
- 63 or
- 64 (ii) if an individual born in Utah but not residing in Utah, in the district encompassing
- 65 Salt Lake City; and
- 66 (b) if the individual is 18 years of age or older.
- 67 (2) A petition for change of legal sex shall set forth:
- 68 (a) the cause for which the change of legal sex is sought;
- 69 (b) the proposed legal sex;
- 70 (c) that the petitioner is not involved in a court action or proceeding other than the
- 71 proceeding to change the petitioner's legal sex, or if so, a description of the court action or
- 72 proceeding;
- 73 (d) that the petitioner is not on probation or parole, or that the petitioner has given
- 74 written notice of the petitioner's petition for legal sex change to the petitioner's probation or
- 75 parole officers;
- 76 (e) that the petitioner is not changing the petitioner's legal sex to avoid creditors or
- 77 anyone else with a claim against the petitioner;
- 78 (f) that the change in legal sex will not affect any right, title, or interest of anyone else;
- 79 (g) that the change in legal sex is not being done for any illegal, fraudulent, or
- 80 otherwise wrongful purpose;
- 81 (h) that the petitioner has a sincerely held belief that it is part of the core identity that
- 82 the petitioner is of a sex different than the sex listed on the original birth certificate; and
- 83 (i) that the petitioner's medical history, care, or treatment is consistent with a uniform
- 84 assertion of a sex, including any of the following:
- 85 (i) the petitioner has undergone surgical, hormonal, or other treatment appropriate for a
- 86 legal sex; or
- 87 (ii) a chromosomal count that establishes the sex of the petitioner as different than the

88 sex on the original birth certificate.

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

90 **78B-6-2203. Notice of hearing -- Order of change.**

91 (1) A court of competent jurisdiction that receives a petition under Section

92 78B-6-2202:

93 (a) shall schedule a hearing; and

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

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

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

100 (c) A petition for change of legal sex and any related documents filed in connection
101 with the petition are private records.

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

103 **78B-6-2204. Effect of proceedings.**

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

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

107 **78B-6-2205. Combined petitions.**

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