

1-1 By: Perry S.B. No. 162
 1-2 (In the Senate - Filed November 14, 2022; February 15, 2023,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 22, 2023, reported favorably by the following vote: Yeas 8,
 1-5 Nays 3; March 22, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13		X		
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18		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 minors.

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 child 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 minor 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 minor's biological sex as required by Section 192.003(f) and the
2-6 certificate completes the information by listing the minor's
2-7 biological sex; or

2-8 (3) for a minor 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 minor'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 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, 2023.

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