

**Senator Todd Weiler** proposes the following substitute bill:

**SEX CHANGE AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses legally changing an individual's sex.

**Highlighted Provisions:**

This bill:

- ▶ addresses duties of the state registrar;
- ▶ 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



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



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~~] court of competent jurisdiction or a name or  
41 sex change approved by a court of competent jurisdiction of another state or a province of  
42 Canada, a certified copy of the order [~~may~~] shall be filed with the state registrar with an  
43 application form provided by the registrar.

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

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

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

52 (b) The state registrar shall make a notation of a name or legal sex change amendment  
53 on a certified copy of a birth certificate unless otherwise ordered by a court for good cause  
54 shown.

55 (4) Nothing in this section, Title 42, Chapter 1, Change of Name, or Title 78B, Chapter  
56 6, Part 22, Change of Legal Sex, modifies Section [26-2-22](#).

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

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

59 **78B-6-2200. Title.**

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

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

62 **78B-6-2201. Definitions.**

63 As used in this part:

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

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

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

67 **78B-6-2202. By petition to court -- Contents.**

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

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

70 or

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

72 Salt Lake City; and

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

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

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

76 (b) the proposed legal sex;

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

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

79 proceeding;

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

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

82 parole officers;

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

84 anyone else with a claim against the petitioner;

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

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

87 purpose; and

88 (h) that the change in legal sex is consistent with the petitioner's gender identity as  
89 defined in Section 34A-5-102.

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

91 **78B-6-2203. Notice of hearing -- Order of change.**

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

94 (a) shall schedule a hearing; and

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

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

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

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

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

104 **78B-6-2204. Effect of proceedings.**

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

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

108 **78B-6-2205. Combined petitions.**

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