

Date of Hearing: April 19, 2023

ASSEMBLY COMMITTEE ON ACCOUNTABILITY AND ADMINISTRATIVE REVIEW

Cottie Petrie-Norris, Chair

AB 1163 (Luz Rivas) – As Amended March 20, 2023

SUBJECT: State forms: gender identity

SUMMARY: Would require specified state agencies and departments to revise their public-use forms, by January 1, 2025, to be more inclusive of individuals who identify as transgender, gender nonconforming, or intersex (TGI). The bill would also require these specified state agencies and departments to collect certain information and about the TGI community.

Specifically, **this bill:**

- 1) Would identify the state agencies and departments impacted by the provisions of this bill to include:
 - a) Business, Consumer Services, and Housing Agency
 - b) Department of Aging
 - c) California Health and Human Services Agency
 - d) State Department of Health Care Services
 - e) Labor and Workforce Development Agency
 - f) State Department of Social Services
 - g) Civil Rights Department
 - h) California Commission on Disability Access
- 2) Would require each identified state agency and department, by no later than January 1, 2025, to update its public use forms that collect demographic data to be inclusive of individuals who identify as transgender, gender nonconforming, or intersex and allow an individual to identify on the form as male, female, transgender, gender nonconforming, intersex, or nonbinary.
- 3) Would require each state agency and department to collect data pertaining to the specific needs of the transgender, nonconforming, or intersex community, including but not limited to, information relating to medical care, mental health disparities, and population size.

EXISTING LAW:

Provides for a third gender option on the state driver's license, identification card, and birth certificate; restructures the process for individuals to change their name to conform with their gender identity; and creates a new procedure for an individual to secure a court-ordered change of gender. (California Gender Recognition Act of 2017)

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Author's Purpose and Intent. According to the Author, "AB 1163 takes the vital step in empowering the transgender, gender-nonconforming, and intersex (TGI) community by having departments and agencies update their forms with inclusive language that would properly identify them. With this bill, the TGI community will not have to avoid services out of fear of being misgendered and will have the support they need to be seen and identified when seeking government services."

Properly Identifying the TGI Population. The U.S. State Department now allows Americans to be able to select "X" as a marker on U.S. passports. The gender selected on the U.S. passport does not need to match any supporting documentation (birth certificate, previous passport, or state identification cards). Nor does the State Department require any medical documentation to change the gender on the U.S. passport.

Several other states also allow residents to change their licenses and birth certificates to gender neutral options including Oregon, New Jersey, New York and New Mexico.

Government Collection of TGI Data. In its support letter of this measure, TGI Justice states, "the lack of accurate data collection limits the state's ability to fully understand the scope and severity of the issues and the dangers facing this vulnerable population, which has created barriers to addressing the needs of this population."

As societal acceptance of and support for the TGI community continues to grow, government is beginning to learn that social services and support to this community may not be sufficient. Many of the groups supporting this proposal have noted that the TGI community has been marginalized and government has not always addressed their needs. As stated by The National Center for Lesbian Rights, "[data] collection is necessary to accurately ascertain the needs of California's most marginalized populations."

PREVIOUS LEGISLATION:

AB 218 (Ward), Chapter 577, Statutes of 2021, creates, as of January 1, 2023, a process for a petitioner seeking a change of gender to also request that their marriage license and certificate and their children's birth certificates be reissued with updated information about the petitioner.

SB 179 (Atkins), Chapter 853, Statutes of 2017, provides for a third gender option on the state driver's license, identification card, and birth certificate; restructures the process for individuals to change their name to conform with their gender identity; and creates a new procedure for an individual to secure a court-ordered change of gender.

REGISTERED SUPPORT / OPPOSITION:**Support**

The Translatin@ Coalition (Sponsor)

Alianza Translatinx

Amaad Institute (arming Minorities Against Addiction & Disease)

Brown Boi Project

California Academy of Family Physicians

Communities United for Restorative Youth Justice (CURYJ)
Ella Baker Center for Human Rights
Faculty Association of California Community Colleges
If/when/how: Lawyering for Reproductive Justice
Interact Advocates for Intersex Youth
Mirror Memoirs, a Project of Community Partners
Nasw-ca
National Association of Social Workers, California Chapter
National Center for Lesbian Rights
Sacramento LGBT Community Center
Showing Up for Racial Justice Surj Bay Area
Somos Familia Valle
St James Infirmary
Tgi Justice Project
Transgender, Gendervariant, Intersex Justice Project>

Opposition

None on file.

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