



## SB 179 – Gender Recognition Act of 2017

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Cosponsors: Equality California, Transgender Law Center

### In Brief

SB 179 would make California the first state in the nation to legally recognize nonbinary people by creating a third, nonbinary gender marker on California birth certificates, drivers' licenses, identity cards, and gender change court orders in order to enable intersex, transgender, and nonbinary people to obtain state-issued identification documents that accurately reflect their gender. SB 179 would also streamline the process individuals can use to change their gender marker and/or name on state-issued identification documents.

### The Issues

Individuals seeking to change their gender marker and/or name on state-issued identity documents face unnecessary obstacles under current law. The main obstacle is the requirement that a person must obtain medical certification that an applicant has received appropriate medical treatment during their gender transition. This requirement is problematic because the amount of transition-related healthcare a person does or does not receive does not affect their gender identity, and this requirement effectively bars many people from access to accurate identifying documents. Moreover, transition-related healthcare is not accessible to all transgender people, many of whom are denied care by discriminatory health care plans or have unsupportive physicians.

In addition, the state does not recognize nonbinary individuals, who do not self-identify as either female or male. This lack of inclusion causes emotional distress and violates the right to be free from discrimination on the basis of gender identity. The state also does not currently provide a procedure for a person under the age of 18 to change their gender marker.

Further, current law requires that a person seeking a change in gender marker and/or name by court order appear in court even when no timely objection has been filed. This can extend the timeline and expense for people seeking a change in gender marker and/or name through the court and causes an already confusing process to become even more intimidating.

### The Solution

SB 179 enables more individuals to ensure that their state-issued identity documents accurately reflect their gender by:

- Replacing the requirement to obtain a physician's verification with self-attestation;
- Ensuring that applicants seeking a gender change court order need not appear in court unless a timely objection has been filed;
- Creating a process for individuals under the age of 18 seeking to change their gender marker; and
- Creating a third gender marker for nonbinary individuals seeking to change their gender marker on birth certificates and all other IDs.

### Background

When gender-related appearance does not match identification documents, intersex, transgender, and nonbinary individuals are faced with significant hardships, ranging from difficulty using credit cards for everyday purchases to harassment and violence.

According to a 2015 national survey of 25,000 transgender people:

- Only 11% reported that all of their IDs had their preferred name and gender;
- 68% reported that none of their IDs had their preferred name and gender;
- One-third of respondents who showed an ID with a gender marker that did not match their appearance were verbally harassed, denied services, or assaulted.

### Support

Equality California (Cosponsor)  
Transgender Law Center (Cosponsor)  
American Academy of Pediatrics  
American Civil Liberties Union of California  
American Congress of Obstetricians and Gynecologists, District IX  
California Latinas for Reproductive Justice  
California Pan-Ethnic Health Network  
California Teachers Association  
Conference of California Bar Associations  
Eric Garcetti, Mayor of Los Angeles  
National Association of Social Workers, California Chapter  
Planned Parenthood Affiliates of California  
Santa Clara County Board of Supervisors

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