

CALIFORNIA SENATE BILL (SB)179 – THE CALIFORNIA GENDER RECOGNITION ACT OF 2017

REQUIREMENTS OF CALIFORNIA SENATE BILL (SB)179 – THE CALIFORNIA GENDER RECOGNITION ACT OF 2017

In October 2017, Senate Bill (SB)179, the Gender Recognition Act, was signed into law in California. The Gender Recognition Act allows people who are living in or were born in California to obtain and or amend their official state issued identity documents that provide full legal recognition of their accurate gender identity as female, male, or nonbinary.

California is the second state in the country to offer a standard path to obtaining a nonbinary gender marker on state documents.

THE CALIFORNIA GENDER RECOGNITION ACT

- Allows individuals to identify as female, male, or nonbinary.
- A physician's declaration (or other involvement) to petition for a gender change court order is no longer required.
- Individuals 18 years and older need to attest, under penalty or perjury, that changing their legal gender to their gender identity is not for any fraudulent purposes.
- A minor under the age of 18 can obtain new state documents when their legal guardian files a petition to the California state courts.

EFFECTIVE DATES

January 1, 2018 - The nonbinary option became available on official California state documents.

September 1, 2018 – An individual can change their gender on their official birth certificate. This means a physician's declaration is no longer required to petition for a gender change court order and removes the requirement that a person must have first "undergone clinically appropriate treatment" to transition genders will be removed. Any California resident, regardless of whether they have undergone any treatment, will be allowed to petition for a gender change court order and obtain a new birth certificate.

The new law allows an individual to attest, under penalty of perjury, that they wish to conform their legal gender to their gender identity, and not for any fraudulent purpose.

The new law also deletes the minimum age requirement for California residents to change gender on identifying documents and allows a minor under the age of 18 to obtain new documents through the approval of their parents or any guardian, or if both parents are deceased and there is no guardian, by either a near relative or a friend.

January 1, 2019 - The California Department of Motor Vehicles (DMV) has added a nonbinary gender option for new or renewing driver's licenses and state identification cards. The new law also requires the enrollment form for the California Organ and Tissue Donor Registry to instead require an applicant to mark their gender.

FREQUENTLY ASKED QUESTIONS

- 1. What is the Gender Recognition Act of 2017?** On October 15, 2017, Senate Bill 179, the Gender Recognition Act, was signed into law in California. The Gender Recognition Act makes it easier for Californians to obtain identity documents that reflect their gender identity and makes California the second state in the country to offer a standard path to obtaining a nonbinary gender marker on state documents.
- 2. When does the SB179 – The California Gender Recognition Act of 2017, take effect?**
 - **January 1, 2018** - The nonbinary option under SB179 became available on official California state documents starting January 1, 2018 and changes to the process of requesting an updated birth certificate take effect.
 - **September 1, 2018** - The process for people to change their gender on official documents, such as birth certificates became effective September 1, 2018, which means that the previous requirement for an individual to obtain a sworn statement from a physician certifying their treatment for their

gender transition will be removed. The new law will allow an individual to attest, under penalty of perjury, that they wish to conform their legal gender to their gender identity, and not for any fraudulent purpose.

An adult may petition the court for a minor's name change and to recognize a minor's change of gender to female, male, or nonbinary. The petition must be signed by one or two of the minor's parents, a guardian, a dependency attorney, or, if both parents are deceased and there is no guardian, by a near friend or relative. Information about the petition process is available at [Gender Change in California Courts](#).

- **January 1, 2019** - The California Department of Motor Vehicles will add a nonbinary gender option starting January 1, 2019 for first time or renewal driver's licenses.

3. Does SB 179 directly impose any requirements on health plans, health insurance companies or healthcare providers?

No, SB179 is not a healthcare law. SB179 is a state law for all Californians and the law enables Californians to change their gender on their official birth certificate, and to choose their gender identity on their state issued driver's license or identification cards, to more accurately reflect their gender identity without requiring supporting documents beyond a self-certification of their chosen gender identity category.

Drivers can select male, female, or nonbinary on their application. The DMV cannot require an applicant to provide gender documentation. Those who select nonbinary will get a card with an X in the gender category.

The enrollment form for the California Organ and Tissue Donor Registry will also require applicants to choose from the three categories.

4. What does this California state law change?

The new state law eliminates the requirement that an individual need to pursue clinical treatment in order to be granted a legal gender identity or name change from the gender they were assigned at birth. This enables Californians to choose among male, female or nonbinary as their gender identity on state issued driver's license or identification cards to more accurately reflect their gender identity without requiring supporting documents beyond a self-certification of their chosen gender identity category.

- 5. Will healthcare coverage be impacted? NO.** The Gender Recognition Act is not a healthcare law. A person's gender identity will not impact their ability to obtain healthcare coverage or affect the benefits they are entitled to. Applicable laws do not allow discrimination on the basis of race, color, national origin, ancestry, religion, sex, marital status, gender, gender identity, sexual orientation, age, or disability. (SB 223 - 2018, Insurance Gender Nondiscrimination Act - 2013 (Cal. Health & Safety Code Section 1365.5).

6. How is Blue Shield supporting a member's request to identify their gender as female, male or nonbinary gender.

Blue Shield has added a gender identity category to align with the new state law even though health insurance companies are not required to do so. As an organization, Blue Shield recognizes our members whose gender identity is female, male or nonbinary. We want to honor any employee, and member their wish to be recorded as the gender they identify with. We hope this new category will help us navigate their healthcare options with more clarity. With respect to all enrollees, we should not use gendered forms of address such as "Mr." and "Mrs.", "He/She". We should ask the enrollee which pronoun(s) they prefer to be addressed as ("he," "him," "she," "her," "they," "them").

- 7. Does Blue Shield require a member or subscriber to provide/select a gender identity?** No. Blue Shield has added the gender identity option of female, male or nonbinary as an option for a member or subscriber to select if they identify as neither male nor female.

- 8. Does Blue Shield require a member or subscriber to provide their birth gender, male or female in the "Gender" category?** Yes

We need the member/subscriber to select male or female options for their physical sex assigned at birth. This is needed for the enrollment process.

9. Who can file a petition to change their name and/or gender on their California state issued documents? Any California resident, regardless of whether they have undergone any treatment, will be allowed to petition for a gender change court order and obtain a new birth certificate. A person 18 years and older, or an emancipated minor, can petition to change their name and or gender on the official state documents on their own.

10. Can a minor petition to officially change their own name or gender on their California state issued documents?

No. If the individual is 17 and under and they are not an emancipated minor, they cannot petition for a name and/or gender change court order on their own.

To change their name, a parent(s) or guardian(s) must file the petition on the minor's behalf. For a gender change only or joint name and gender change petition, they are listed along with their parent(s) or guardian(s) as a petitioner, but at least one parent or guardian must petition.

11. Is there a minimum age for a minor to be authorized, to call Customer Care and request the nonbinary value be updated in the Gender Identity field? Yes.

If the individual is the age of 17 and younger, the subscriber, a parent(s) or legal guardian should petition for the optional gender identity update to be made in Blue Shield's system for a minor.

Blue Shield is not requiring "proof" or a form to be filled in by the subscriber or legal guardian to authorize and update their gender identity to female, male or nonbinary when they call Customer Care. Customer Care can make the gender identity profile update per the request from the legal guardian.

12. Does Blue Shield need a form of "proof" if the member wants to change their gender, male/female?

Yes. If the member wants to change their gender from male to female, female to male in our records, this request requires a Birth Certificate, or any Government issued ID card as a proof. We can't request for any medical documentation for a gender change.

13. Does Blue Shield need a form of "proof" if the member has a Blue Shield Promise plan and they want to change their gender identity as either male, female, transgender: female to male, or transgender: male to female? No. An individual can choose their gender identity as either male, female, transgender: female to male, or transgender: male to female, and verification of gender identity is not required.