



Councilmember Lori Droste
District 8

CONSENT CALENDAR
May 2, 2017

To: Honorable Mayor and Members of the City Council
From: Councilmembers Lori Droste, Kriss Worthington, and Ben Bartlett
Subject: Support of SB 179: Gender Identity: Female, Male, or Nonbinary

RECOMMENDATION

Adopt a Resolution supporting Senate Bill 179, which will allow Californians to identify as nonbinary on their birth certificates, driver's licenses, and identity cards without requiring a court order and without requiring clinical treatment for gender transition; and send a copy of the Resolution to State Senator Nancy Skinner, Assemblymember Tony Thurmond, and to Governor Jerry Brown.

BACKGROUND

SB 179 proposes to add a nonbinary gender option to California birth certificates, driver's licenses, and identity cards; and streamline the process for transgender individuals, who identify differently from their gender assigned at birth, to change their legal gender on state-issued documents.

Currently, only "male" and "female" gender options are available on state-issued documents. Individuals are assigned one of these two legal genders based on external genitalia at birth. However, if they find their gender identity differs from their legal gender, existing law requires them to undergo 'clinically appropriate treatment', as determined by a physician, before being able to petition a court to make changes to their gender on state-issued documents.

The limitation on legal gender options, the burden of undergoing 'clinically appropriate treatment', and the requirement of petitioning a court create undue barriers for transgender (especially nonbinary) and intersex individuals seeking to have state-issued documents accurately reflect their identity.

Senate Bill 179 would eliminate the requirement that an applicant must have undergone clinically appropriate treatment in order to obtain legally recognized gender change. It would also eliminate the existing requirement that an individual must petition a court to change their gender and would instead authorize a person to submit an application for gender change to the State Registrar.

Effectively, SB 179 would streamline the process for applicants to change their legal gender on state-issued documents and increase the options available to better reflect a broader spectrum of gender identities.

If passed, this law would make California the first state in the US to include a nonbinary gender marker for official state documents.

ENVIRONMENTAL SUSTAINABILITY

None

FISCAL IMPLICATIONS

None

CONTACT

Lori Droste, Councilmember District 8 981-7180

RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF SB 179

WHEREAS, California currently lists 'male' and 'female' as the only gender options on state-issued documentation; and

WHEREAS, this fails to encompass the full range of gender identities, depriving many Californians the opportunity to have their identity accurately reflected on their legal documents that millions take for granted; and

WHEREAS, existing law requires applicants seeking a change of gender on state-issued documentation to undergo physician-approved 'clinically appropriate treatment'; and

WHEREAS, this places an exceptional burden on low-income, uninsured, and underinsured people seeking to have their legal documentation reflect their identity; and

WHEREAS, nonbinary individuals may have no personal need to undergo clinical treatment to be comfortable with their presentation; and

WHEREAS, existing law requires applicants to petition the superior court to obtain a change of gender on state-issued documentation; and

WHEREAS, these existing laws and application procedures create undue burden for individuals seeking a change of legal gender, create unequal socioeconomic access in the ability to change legal genders, and fail to recognize non-binary gender identities; and

WHEREAS, SB 179, introduced by State Senators Tony Atkins and Scott Wiener, would enact the following:

1. Establish a nonbinary gender marker on state-issued documentation,
2. Eliminate the requirement that an individual must seek 'clinically appropriate treatment' to apply for a change of gender,
3. Eliminate the requirement that an individual must petition the superior court to obtain a change of gender on state-issued documentation, and
4. Establish a process by which individuals younger than 18 could apply for a change of gender on state-issued documentation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports SB 179.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to State Senator Nancy Skinner, Assemblymember Tony Thurmond, and Governor Jerry Brown.

