

Gov. Pritzker Signs Bill Removing Barriers To Access For Legal Gender Change Process

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CHICAGO - Governor JB Pritzker today signed HB0009 into law, authorizing an easier process for individuals seeking to change the gender listed on their birth certificate. Previously, amending a birth certificate's gender marker required certification from a health care professional that the individual had undergone gender reassignment surgery or other clinical treatment. The updated law allows changes to the birth certificate

providing the petitioner signs a statement affirming their gender identity or intersex condition, opening an easier path to legal recognition for transgender Illinoisans.

“Here in Illinois, we recognize that gender transition is a personal journey that doesn’t always follow a prescriptive medical path, but still deserves to be honored legally,” said Governor JB Pritzker. “In a time of increasing violence and hateful rhetoric against the trans, nonbinary, and gender non-conforming community, it is more important than ever to reaffirm our state’s commitment to recognizing the rights and dignity of LGBTQ+ Illinoisans.”

Previously, transgender Illinoisans were required to receive documentation from a licensed physician to begin the gender change process. However, many trans individuals do not opt for surgery to address gender dysphoria for personal or financial reasons but would still benefit from legally changing their gender as they transition socially or with the aid of hormone therapy. This bill makes gender-affirming documentation more accessible and recognizes the distinction between biological sex and gender for many transgender individuals.

The bill also provides fee waivers (between \$10-\$25) for the gender change process for those on release from parole, mandatory supervised release, or final discharge, or who have been pardoned by the Department of Corrections or Department of Juvenile Justice. Individuals placed on aftercare release under the Juvenile Court Act are also eligible. The waiver also applies to homeless individuals, youth in DCFS care, and those under 27 who were previously in care. Any domestic violence shelter listed as a residence will be given four waivers per year for use by residents seeking to change their birth certificates.

“Transgender and nonbinary people are being targeted at alarming rates around the country for simply existing,” said State Senator Laura Fine (D-Glenview). “Now more than ever, it is important that we support our friends, family and neighbors and make sure everyone feels welcome in our state,” Fine said. “This legislation will now make it easier for trans and nonbinary people to live as their authentic selves and ensure consistency on legal documents.”

“Obtaining an accurate birth certificate shouldn’t be a difficult process, but for many in Illinois, it is. HB9 takes steps to make it easier for vulnerable individuals to get necessary documentation from the State, allowing people to update the gender listed on their birth certificate without the need for a doctor’s sign-off,” said State Representative Jennifer Gong-Gershowitz (D-Glenview). “It also waives the verification fee for people living in domestic violence shelters and for those reentering society from the

Departments of Corrections and Juvenile Justice. Access to your birth certificate will become a less onerous process for many Illinoisans, removing barriers for people who already face so many.”

“Since the start of 2023, state legislators in at least 27 states across the country have introduced hateful and discriminatory anti-trans legislation. But Illinois continues to move forward because of Governor Pritzker's approval of HB 9 today,” said Mike Ziri, Director of Public Policy at Equality Illinois. “The old state law, which required verification from a healthcare provider in order for trans and gender-diverse people born in Illinois to obtain a birth certificate that reflected their authentic selves, represented a barrier to lived equality. We are excited because HB 9 affirms trans and gender-diverse people born in Illinois as their authentic selves. Thank you to Gov. Pritzker, Sen. Fine, Rep. Gong-Gershowitz, and our fierce co-advocates and co-conspirators for advancing HB 9!”

“We are grateful to see HB 9 passed and move Illinois forward toward gender self-determination,” said Carolyn Wahlskog of Transformative Justice Law Project of Illinois. “Reducing barriers and gatekeeping when seeking affirming identity documents supports our trans and non-binary siblings throughout Illinois. This bill creates accessibility for correcting one's gender marker on their birth certificate by removing correction fees for individuals experiencing homelessness, exiting incarceration and fleeing domestic violence. TJLP thanks our partners and legislators for their efforts throughout the pandemic to ensure this bill became a reality.”

“Lambda Legal applauds the signing of HB9 into law, an essential and long-awaited bill. Illinois has taken a significant step forward in enacting legislation in support of our transgender community, especially in contrast to the barrage of legislative attacks being launched by other states,” said Kara Ingelhart, senior attorney at Lambda Legal. “This tremendous victory allows self-attestation of gender markers on birth certificates and eliminates barriers that undermine the health and safety of people whose gender identity conflicts with the gender marker on these essential documents. We are grateful for the sustained advocacy of Illinoisans, elected officials and LGBTQ+ defenders,”

“HB 9 will save lives - by allowing Illinois residents to change their legal documents to affirm themselves, transgender Illinoisans will no longer be barred by medical gatekeeping,” said Benito Goff, Youth Programming Coordinator at the Rainbow Café LGBTQ Center. “In rural areas like Southern Illinois, finding a mental health or healthcare provider competent in LGBTQIA+ issues is challenging, in addition to other compacting factors such as poverty.”

“In a time when other states are passing legislation denying the dignity and autonomy of transgender and gender expansive individuals, the Birth Certificate Modernization Bill

is an encouraging step forward,” said Elizabeth Ricks, Legal Director and Staff Attorney of the TransLife Care Program at Chicago House and Social Service Agency. “At Chicago House, we see firsthand the harmful impact outdated provisions have on our state’s residents, and we applaud Illinois and Governor Pritzker’s efforts to make laws more just and equitable for all Illinoisans.”