

GayRVA, VA, USA

HB 407 Seeks To Reduce The Bureaucratic Nightmares of Gender Transition in VA

Delegate Jennifer Boysko and Equality Virginia are working to make changing gender markers on Virginia birth certificates an easier, more inclusive process.

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To be seen and respected for who you truly are is a struggle that defines the lives of transgender people everywhere. One of the major stumbling blocks for trans people to have their identity acknowledged and respected is changing their legal documentation to reflect their true gender. HB 407, introduced by 86th District Delegate Jennifer Boysko, attempts to make things a little easier.

The bill will “eliminate the requirement that a person provide a [court order] indicating that [their] sex has been changed by medical procedure for amendment of a birth certificate to reflect a change of sex.” In place of this requirement, the bill suggests requiring a doctor’s letter indicating that applicants have “undergone clinically appropriate treatment for the purpose of gender transition” but specifically states that such requirements “shall not include any requirement for evidence or documentation of any medical procedure.”

Throughout the current General Assembly session, Equality Virginia have been hard at work on getting this bill passed. “It’s a common-sense fix,” says James Parrish, Equality Virginia’s executive director, of the bill. “This is just to realign the Virginia birth certificate process with the Virginia driver’s license process, and the Federal government’s Social Security and passport process.”

The distinction here may be lost on most cisgender people, but for trans people, it’s very important. Surgical procedures associated with gender transition are often discussed, but for many trans people in Virginia, they are economically out of reach. The surgery itself may well cost tens of thousands of dollars out-of-pocket, as “many health plans are still using exclusions such as ‘services related to sex change’ or ‘sex reassignment surgery’ to deny coverage to transgender people for certain health care services,” according to HealthCare.gov.

This is not to mention the necessity for interstate travel and longterm convalescence away from home (as there are no doctors currently practicing in Virginia that are willing to do these procedures). “If you don’t have money to pay for it up front, it’s extremely hard for people to have those procedures done,” says Nationz Foundation founder and transgender advocate Zakia McKensey, who has been working with Equality Virginia to get this bill passed.

By contrast, all that is required for a transgender person to have their Virginia Driver's License as well as their Social Security records and US Passports reflect their true gender is a letter from a doctor confirming that the person has gone through appropriate gender transition-related medical care. Such care does not need to involve surgery; indeed, many trans people do not feel the necessity to have surgical procedures done in order to live as their true gender.

"Not all trans people look to have medical surgery to identify as trans," McKenney says. "Being trans can be legal, it can be medical, and it can be social. Legally changing your name, or socially having people identify you as your new name, or changing the way you dress. If individuals really wanted to have their gender marker changed on their birth certificate, it shouldn't be a requirement to have a surgical procedure to identify you as transgender."

For both Parrish and McKenney, this bill is as much about fixing tedious bureaucratic processes within the government as it is about LGBTQ rights. "It's a bureaucratic, record-keeping issue," says Parrish. "We want people's identity documents to be consistent. and to do that, we need the process to be the same." "It's just having documentation that's going to match," McKenney says. "So that folks are not having your ID saying one thing, because DMV is moving ahead with this policy, and then your birth certificate is totally different."

With HB 407 set to go before a House subcommittee as soon as Thursday, Equality Virginia's advocates have been working overtime to ensure that their concerns are heard by the General Assembly members who will be voting on the bill's future. McKenney and fellow transgender advocate Donna Price have been at the General Assembly this week, speaking to subcommittee members and their aides. "It's just asking these delegates to approve this law to streamline all of the paperwork," says McKenney, "expressing... how it's not really anything that is super controversial, because DMV is already under the same practice."

Even if the bill doesn't make it to the governor's desk this session, Parrish feels good about its chances overall. "With the new General Assembly that surprised many of us in the fall, I do believe this is a bill that can move forward," he says. "after the election all the committees are reassigned, so we didn't know through the winter who would be sitting on which committees. Now they'll stay on the same committees through next year. If we aren't able to be successful this session, we can strategize around this, find the advocates in each district, and have multiple meetings over the next nine months with those committee delegates. It will really put us in a strong place for 2019."

For now, McKenney urges trans people from all over Virginia to reach out to their representatives and let them know how important this bill is. "Voice your concerns about the bill," she says. "Don't feel like your voice is not heard, because every voice is heard. We need trans people to step up to the plate and rally behind these bills."

Find out who your legislator is, and how to contact them, by using the General Assembly's Who's My Legislator tool at <http://whosmy.virginiageneralassembly.gov/>.

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