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## *The importance of Gender Marker “X” on Los Angeles County, State, and National Documents*

*Presented and Approved at the 12/12/25 LGBTQ+ Commission Meeting*

The LGBTQ+ Commission is tasked with providing advice and recommendations to the Board of Supervisors and County Departments on all topics impacting LGBTQ+ people. The below information was compiled to ensure the Board of Supervisors and Los Angeles County Departments understand the importance of having Gender Marker “X” as an option on United States Passports, and formal and legal documents.

Los Angeles County abides by California state law and since 2019 California state law established Gender Marker “X” as an option on identity documents including, but not limited to: driver’s licenses, birth certificates, state identification cards, and medical records.

### Recommendation

The Los Angeles County LGBTQ+ Commission recommends that LA County to affirm the legal status of Gender Marker “X” within County documents and advocates for full federal recognition of Gender Marker “X”.

In any instance where this topic is discussed, the Board of Supervisors and LA County Departments are recommended to elevate the importance of having Gender Marker “X” as an option to ensure Transgender, Gender-Expansive, and Intersex (TGI) members of LA County are accurately defined on their passports.

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## Background Information

### 1. National Policy on Gender Marker “X”

Since 2022, U.S. citizens have the option of declaring Gender Marker “X” when applying for a U.S. passport book or card, in addition to the “M” (male) and “F” (female) options. Gender Marker “X” represents a third gender or non-cisgender option. This allows people who are Transgender, Gender-Expansive, or Intersex (TGI) to have their gender accurately defined on their documents. Given current executive orders from the federal administration, it is not possible to apply for a new or renew a passport with Gender Marker “X”, however passports with gender marker “X” have not been revoked.

- **Source:** *X Gender Marker Passport Advising Resource – NAFSA*

### 2. California Policy on Gender Marker “X”

#### **California Gender Recognition Act (SB 179)**

The California Gender Recognition Act (Senate Bill 179) was signed into law in 2017 and took full effect on January 1, 2019. This legislation simplifies the process for Californians to change the gender marker on state-issued documents and formally establishes a nonbinary gender category, designated as “X,” on birth certificates, driver’s licenses, identification cards, and gender-change court orders.

By implementing this law, California establishes recognition of TGI individuals within state systems. Since the enactment of the Gender Recognition Act, 15,904 Californians have applied for and received a driver’s license or identification card designating their gender as “X,” rather than an “M” or “F” option, according to data from the California Department of Motor Vehicles (California DMV, as cited in Lin II, 2022).

- **Source:** *LGBTQ Resource Center. (n.d.). California Gender Recognition Act (SB 179).* <https://lgbtqcenter.ucdavis.edu/>

### 3. Importance of Legal Recognition for LGBTQIA+ Communities

The option of Gender Marker “X” allows TGI individuals to have identity documents that accurately define their gender. It provides legal recognition of who they are and establishes institutional validity. This option can inform incidents of harassment and discrimination while traveling through public spaces and TSA checkpoints. Gender Marker “X” is a step toward legal protections for TGI people, starting with legal recognition.

- **Source:** *Demand for X Gender Marker on Passports Among Nonbinary LGBTQ Adults –The UCLA Williams Institute*

### 4. Impacted LA County Residents and TGI Communities

Approximately **1.4% of nonbinary LGBTQ adults in the U.S.**—around **16,700 people annually**—are estimated to apply for passports with an “X” gender marker.

- **Source:** *Williams Institute – Demand for X Gender Marker on Passports Among Nonbinary LGBTQ Adults*

Research estimates that about 10% of the LGBTQ+ population identifies as TGI, and with an estimated 665,000 LGBTQ+ people in Los Angeles County, it can be extrapolated that about 65,000 TGI people live in the County.

- **Source:** [\*Pew Research Study: The Experiences of LGBTQ+ People Today, published May 29, 2025.\*](#)
- **Source:** [\*The Williams Institute: Communities of Resilience: The Lived Experiences of LGBTQ+ Adults in Los Angeles County. Published June, 2024.\*](#)

## 5. Reasons to Adopt Gender Marker “X”

### **Humane Sense**

The Williams Institute identified the importance of Gender Marker “X” to include that 1) inaccurate IDs are associated with discrimination and harassment, and 2) possession of inaccurate IDs is associated with higher rates of psychological distress among transgender adults. The option of gender marker “X” on County documents and passports allows TGI people to accurately define their gender, which can alleviate distress in public spaces and inform instances of harassment and discrimination.

- **Source:** [\*Williams Institute – Demand for X Gender Marker on Passports Among Nonbinary LGBTQ Adults\*](#)

The *Yogyakarta Principles* outline international human rights standards relating to sexual orientation and gender identity. These principles emphasize equality and dignity for all individuals, including nonbinary and transgender people. It allows individuals to live and express their gender identity authentically, which is important for social interactions and cultural understandings of who they are.

- **Source:** [\*Human Rights Watch & Center for Women’s Global Leadership\*](#)

### **Medical and Financial Sense:**

The *American Medical Association (AMA)* supports allowing individuals to self-report their gender on identification documents without requiring medical verification. This policy reduces unnecessary medical costs and protects personal privacy for TGI patients.

- **Sources:** [\*American Civil Liberties Union: “I’m Nonbinary. My Passport Should Show That.”\*](#)
- [\*AMA Policy H-65.967: Conforming Sex and Gender Designation on Government ID\*](#)

## 6. Actions under the Biden Administration, 2021

In June 2021, the U.S. Department of State removed the medical certification requirement to change gender markers on passports. In October 2021, it issued the first U.S. passport with gender marker “X”.

- **Source:** [\*U.S. State Department Issues First Passport with Gender ‘X’ Marker\*](#)

## 7. Actions under the Trump Administration, 2025

In January 2025, one of the first Executive Orders addressed gender marker “X” on U.S. passports. Following this order, the U.S. Department of State removed web pages related to the Gender Marker “X,” stopped the issuance of new documents, and eliminated nonbinary identity with some exclusions for existing identity documents.

- **Source:** *The White House; Global Affairs – New Executive Order Impacting Gender X Passports: “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”*

## 8. Updates and Legal Challenges

### **Case:** *Orr v. Trump*

Plaintiffs including Ashton Orr and 11 other transgender and nonbinary citizens challenged the 2025 executive order, arguing it violated equal protection rights and demonstrated unconstitutional bias against transgender Americans.

A federal district court granted a preliminary injunction allowing individuals to select their gender marker (“M,” “F,” or “X”) pending further review. However, a recent U.S. Supreme Court order signaled potential reversal of this right, indicating possible elimination of Gender Marker “X” as an option on passports.

- **Sources:** *U.S. Supreme Court filings and related news coverage*
- *Lin II, R. (2022, November 30). [Here’s how many Californians opted for nonbinary driver’s licenses or ID cards since 2019](#). Los Angeles Times.*

## 9. Conflict between Federal and State Law

Since the federal government is refusing to recognize TGI existence and legal documents, it means that TGI Californians are subjected to increased scrutiny or even denial of their CA identity documents when accessing federal services, which creates significant added barriers to domestic and international travel.

### What Supportive Organizations

Organizations such as OutRight International advocate globally for LGBTQI+ rights, work to improve laws, reduce discrimination, and promote visibility for nonbinary and transgender individuals.

- **Source:** [OutRight International – Country Overviews](#)

## 10. Worldwide Recognition of Gender Marker “X”

### **Legal and Social Recognition:**

Recognition of TGI genders varies globally. Some countries legally recognize Gender Marker “X” on identification documents, while others do not. As of 2025, 17 countries around the globe recognize Gender Marker “X.”

- **Source:** *Legal recognition of non-binary gender by country | Equaldex*

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