

TRANS MARYLAND



Birth Certificate Modernization Act HB 361 FAQ

Sponsored by Delegate Stephanie Smith

- Inconsistent application of policies at Maryland Department of Health Vital Statistics Administration leads to inability for Marylanders to access accurate birth certificates for themselves or their children.
- Bring gender marker policies at Maryland Department of Health Vital Statistics Administration in line with those issued by other state agencies (E.g. the Maryland Motor Vehicle Administration re: driver's licenses/state IDs/permits, and by the Maryland Clerks of Court re: Marriage Certificates).
- Bring Maryland's birth certificate gender marker policies in line with federal agencies (E.g. State Department who permit gender self-select and offer the X gender marker option for US Passports and Consular Records of Birth Abroad.).
- 16 states + DC allow residents to mark an X on their birth certificates.

THIS BILL WILL:

- Enable transgender parents to prove they are related to their own children after they have been granted an order of legal name change through the Maryland Courts.
- Clarify that an X marker is permitted on Maryland certificates of birth.
- Ensure existing birth certificates previously issued by Maryland Department of Vital Statistics remain valid.
- Ease the administrative burden of accessing accurate documents for the transgender community, particularly low income transgender people.
- Require attestation of gender on birth certificates to be made under penalty of perjury.

THIS BILL DOES NOT:

- Change the existing state policies in regards to housing incarcerated transgender people or participation in school sports.
- Change the medical standards of care for transgender health for adults or youth.
- Impact existing processes for obtaining state ID.
- Alter or amend Maryland's nondiscrimination laws, hate crimes law, etc., which already treat gender identity as a protected class.
- Change how gender is designated on birth certificates at the time of birth.
- Allow individuals to change the gender designation on their birth certificate for fraudulent or criminal purposes.

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Other States/Jurisdictions/agencies that ALLOW self-select gender on birth Certificates (* will accept an amended US Passport, so indirectly allow self-select):

US State Department: Consular Record of Birth Abroad			
Montana	Colorado	Oregon	Michigan
Nevada	New Mexico	Washington	New Jersey
Idaho	New York City	Vermont	Puerto Rico*
California	New York	Rhode Island	Kansas*

Supporting Organizations



The Center for
LGBTQ Health Equity

A Chase Brexton Health Care
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Because everyone's health matters.



Planned Parenthood of Maryland