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The Honorable Del. Pena-Melnyk
House Health and Government Operations
Room 241
House Office Building
Annapolis, Maryland 21401
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**Testimony of FreeState Justice
IN SUPPORT OF HOUSE BILL 361: BIRTH CERTIFICATE MODERNIZATION ACT**

To the Honorable Del. Pena-Melnyk, Vice Chair Kelly, and the esteemed committee:

FreeState Justice is Maryland's lesbian, gay, bisexual, transgender, and queer (LGBTQ+) civil rights advocacy organization. We provide free legal services each year to dozens, if not hundreds, of LGBTQ+ Marylanders who could not otherwise afford an attorney, and we advocate more broadly on behalf of the LGBTQ+ community. We write today in support of HB 361. This bill improves LGBTQ+ Marylanders' daily lives and dignity, and it promotes consistency between governmental agencies.

HB 361 streamlines the process for administratively updating legal identity documents and allows an individual's sex designation to be updated through self-attestation—under penalty of perjury—rather than requiring humiliating and expensive doctors' notes before their lived-experiences are legally recognized. Self-attestation is already available for Marylanders to update their drivers' licenses, and so the bill promotes consistency in policy and information between government agencies by making it easier for those same people to update their birth certificates. It also includes a provision that mandates the State to reflect an individual's most recent court-ordered name change whenever it issues a new birth certificate, allowing transgender and nonbinary Marylanders to update these documents in one step rather than in two processes.

The bill also importantly and correctly creates the option for a “nonbinary/other/unspecified” birth-sex designation on certificates, and a gender-neutral “parent” designation rather than just “mother” and “father.” Not only does this provision show respect for the breadth of gender-diversity present in our state's citizenry, but it again promotes consistency between drivers' licenses (which can have an “X” marker) and birth certificates (which currently only allow M or F).

*FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland)
is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.*

Finally, the bill makes it easier for same-sex couples' parentage to be accurately reflected on the birth certificates of their children. As stated, transgender and nonbinary Marylanders would be able to easily update their own birth certificates, and the information listed on the certificates of their children, to reflect their identities. All of this helps prevent both groups from being "outed" in any context where a birth certificate is required, and thus this bill reduces the risk of harassment and discrimination caused by inaccurate documentation. Along the same lines, the bill further reduces discrimination because it ensures that new certificates of birth do not reflect the fact that they were amended, and it seals previous certificates of birth, meaning that mal-intentioned people or future administrations could not access this sensitive identity information without a court order.

For these reasons, FreeState Justice urges a favorable report on HB 361.

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