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TO: Joseline Pena-Melnyk, Chair
House, Health and Government Operations Committee
FROM: Office of the Attorney General
RE: HB0361

The Office of the Attorney General writes in support of HB0361. This bill would modernize the birth certificate process in Maryland by requiring the Division of Vital Statistics to update birth certificates by request provided under penalty of perjury without requiring additional medical or legal documentation for self-identified sex designations.

Possessing accurate and consistent identification documents is essential to basic functioning in the United States, affecting access to education, employment, housing, health care, legal connections to others, personal safety, and more. Presenting identity documents that are incongruent with identity expression exposes trans people to discrimination in housing and employment, and sometimes to harassment or violence. This bill would remove a hurdle to obtaining identity documents that match gender expression by allowing the DVIS to record gender as self-designated, without requiring third-party verification.

Over 22 states plus the District of Columbia allow residents the X option on their birth certificates; 10 allow self-attestation of gender, as does the Social Security Administration and the U.S. Passport Office. Some states, including Maryland, continue to insist on medical verification of gender for trans persons, even when cis-gender applicants do not. This puts a disproportionate burden on trans Marylanders, particularly if they are uninsured or low income and do not have affordable access to a medical provider. Even with a provider, the requirement inserts errors and delays in the process as providers are often too overworked to complete the necessary forms correctly, if at all.

Support of this legislation is consistent with the goals and priorities of the Office of the Attorney General to promote policies and initiatives that combat systemic inequities and protect the rights, responsibilities, and privileges of all Marylanders. We ask for a favorable report on HB0361.