

---

BILL NO: House Bill 361  
TITLE: Certificates of Birth - Issuance of New Certificates - Sex Designation (Birth Certificate Modernization Act)  
COMMITTEE: Health and Government Operations  
HEARING DATE: February 21, 2023  
POSITION: **SUPPORT**

---

House Bill 361 would alter the circumstances under which the Secretary of Health is required to make a new certificate of birth due to the change of a sex designation of an individual. The Women's Law Center supports HB 361 because it makes it easier for transgender and gender non-conforming people to obtain identity documents that match their gender identity. This small change will greatly reduce the stigma they face and help decrease the instability the current system can create.

House Bill 361 would allow Marylanders to change birth certificates so that they accurately reflect their name after a legal name change and their gender if applicable. This Body passed a law allowing the gender marker of X some years ago. A revised birth certificate should be able to be more easily changed and not marked "amended."

One of the primary forms of discrimination that transgender and gender non-conforming people face is the consequences that come with showing identification carrying a gender marker that does not match the person's lived gender experience. Having to produce this type of identification essentially "outs" a transgender or gender non-conforming person in any situation where they need to show their identification, such as while traveling, applying for jobs or educational opportunities, entering certain public establishments, or obtaining benefits that require proof of identity. This can further expose them to a variety of problematic and often dangerous outcomes, such as unnecessary scrutiny by law enforcement, denial of housing, employment, healthcare or public benefits, verbal harassment, and physical violence. (*See generally*, National Center for Transgender Equality, The Report of the 2015 U.S. Transgender Survey 85-91 (2015), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>). These obstacles can create instability in these peoples' lives.

For these and other reasons, the Women's Law Center supports HB 361 and urges a favorable report.

*The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.*