



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 21, 2023

The Honorable Joseline A. Peña-Melnyk
Chair, House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, Maryland 21401

Re: HB 361 – Certificates of Birth - Issuance of New Certificates - Sex Designation (Birth Certificate Modernization Act) – Letter of Support with Amendments

Dear Chair Peña-Melnyk and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of support with amendments for House Bill (HB) 361 – Certificates of Birth - Issuance of New Certificates - Sex Designation (Birth Certificate Modernization Act). This bill will require the Secretary of Health to issue a new certificate of birth with an amended sex designation when satisfactory proof is submitted.

The Moore Administration supports building an open and inclusive Maryland. Establishing a process to allow individuals to amend their gender on their birth certificates, as well as expanding the sex designation beyond “male” and “female,” can ensure that all Marylanders are represented in these vital documents. Additionally, MDH has been using gender neutral designations on all birth certificates since 2021. With these items in mind, MDH respectfully suggests the following amendments:

- Amend the language in the bill to use the term "gender" instead of "sex." Sex is the medical term used to identify an individual while gender is how an individual self-identifies. The term gender is used by agencies such as the U.S. Department of State and the Maryland Motor Vehicle Administration (MVA).¹
- MDH suggests removing “Mother” and “Father” from the gender designation for the parent, and only include "Parent."
- MDH recommends specifying the gender designation options that will be available. MDH suggests that the gender designations currently used by the Maryland Motor

¹ According to the World Health Organization, “gender interacts with but is different from sex, which refers to the different biological and physiological characteristics of females, males and intersex persons, such as chromosomes, hormones and reproductive organs. Gender and sex are related to but different from gender identity. Gender identity refers to a person’s deeply felt, internal and individual experience of gender, which may or may not correspond to the person’s physiology or designated sex at birth.” (World Health Organization, 2023, https://www.who.int/health-topics/gender#tab=tab_1)

Vehicle Administration be used to have consistency across different state agencies. The MVA uses “Male,” “Female,” or “X - unspecified or other”, as required by Chapter 649 of the Acts of 2019.² MDH would also recommend including "Non-binary" to be inclusive of those who choose to identify as such.

If you would like to discuss this further, please do not hesitate to contact Megan Peters, Acting Director of Governmental Affairs at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,



Laura Herrera Scott, MD, MPH
Secretary

² <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0196/?ys=2019rs>

