

Protecting Access to Essential Health Care is Important for Marylanders and Medical Providers

Position Statement Supporting House Bill 691

Given before the House Health and Government Operations Committee

Every Marylander deserves to get the essential health care they need not just to survive, but to thrive. For transgender individuals, that essential health care includes gender-affirming treatments. Unfortunately, some states are now passing laws targeting people seeking gender-affirming care and the providers who offer such care. **The Maryland Center on Economic Policy supports House Bill 691 because it will ensure patients can safely access care and providers can continue to offer care in Maryland without the fear of becoming the target of discriminatory lawsuits and other punitive actions.**

Ensuring people can access gender-affirming care supports improves mental health and could reduce instances of workplace and housing discrimination that transgender people too often face. Because of chronic stress linked to discrimination, people who are transgender are up to three times more likely than the general population to have a mental health or substance use disorder.¹ That's why major medical associations including the American Medical Association, American Psychiatric Association, and American Academy of Pediatrics all consider comprehensive treatment for transgender people to be essential.

HB 691 provides a technical fix that adds this essential care as legally protected health care in Maryland. This protects patients and providers from potential harmful actions from other states. It prohibits law enforcement and other Maryland agencies from assisting with out-of-state investigations and ensures licensing boards do not discipline providers for out-of-state complaints. The bill does not make any changes to the types of care that are already allowed in Maryland.

While Governor Moore has signed an executive order that is currently providing these protections, legislative action will ensure that transgender patients and those providing gender-affirming care can count on Maryland to continue to be a safe place to live and receive necessary, life-saving health care.

For these reasons, the Maryland Center on Economic Policy respectfully requests the Health and Government Operations Committee to make a favorable report on House Bill 691.

Equity Impact Analysis: House Bill 691

Bill Summary

HB 691 would:

- Shield consumers, providers, and support individuals from extradition for gender-affirming care provided in Maryland
- Prohibit Maryland agencies and law enforcement from assisting with out-of-state investigations related to gender-affirming care provided in Maryland
- Prohibit occupational boards from disciplining a licensed or certified provider based on an out-of-state complaint related to gender-affirming care

Background

In 2023, Governor Wes Moore issued an executive order protecting patients receiving and providers offering gender-affirming care from litigation. However, an executive order does not provide the same level of permanent protection as legislation would.

Equity Implications

The 2015 U.S. Transgender Survey showed that transgender Marylanders face much higher levels of poverty and economic instability than others in the state:

- 9% of respondents were unemployed at the time of the survey, about double the statewide average at that time, and more than 1 in 5 reported incomes below the federal poverty level.
- 1 in 4 respondents reported experiencing various types of employment discrimination because of their gender identity or expression, such as being fired, not being hired, or being denied a promotion.
- Nearly 1 in 4 respondents also reported experiencing housing discrimination in the past year, such as being evicted or being denied a home or apartment, because of their gender identity or expression. 28% reported experiencing homelessness at some point in their lives.

Further, transgender people of color face even more pervasive challenges due to the combined impact of anti-transgender bias and racism. One national survey found that:ⁱⁱ

- Black transgender people had an extremely high unemployment rate at 26%, two times the rate of the overall transgender sample and four times the rate of the general population.
- 41% of Black respondents said they had experienced homelessness at some point in their lives, more than five times the rate of the general U.S. population.
- Black transgender people lived in extreme poverty with 34% reporting a household income of less than \$10,000 per year. This is more than twice the rate for transgender people of all races (15%), four times the general Black population rate (9%), and eight times the general U.S. population rate (4%).

The ability to receive gender-affirming care is linked to improved mental and physical health and could increase economic stability by reducing employment and housing discrimination.

Impact

House Bill 691 will likely **improve racial, gender, and economic equity** in Maryland.

ⁱ Letter from American Medical Association CEO James Madara to the National Governor’s Association, April 21, 2021. <https://searchlf.ama-assn.org/letter/documentDownload?uri=%2Funstructured%2Fbinary%2Fletter%2FLETTERS%2F2021-4-26-Bill-McBride-opposing-anti-trans-bills-Final.pdf>

ⁱⁱ “New Analysis Shows Startling Levels of Discrimination Against Black Transgender People,” National LGBTQ Task Force. <https://www.thetaskforce.org/new-analysis-shows-startling-levels-of-discrimination-against-black-transgender-people/>