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**TESTIMONY IN OPPOSITION TO HOUSE BILL 47**  
**Education - Interscholastic and Intramural Junior Varsity and Varsity Teams -**  
**Designation Based on Sex (Fairness in Girls' Sports Act)**  
*Ways and Means Committee*  
January 31, 2024

**Social Work Advocates for Social Change strongly opposes HB 47**, which would require high school teams and sports to be designated based on biological sex –prohibiting transgender youth from participating in the sport that corresponds with their gender identity. This bill is discriminatory, is antithetical to science, and is harmful to all students.

**HB 47 is rooted in archaic traditions and stereotypes, and is out of step with both the best science and competitive sports practices globally.** Throughout the history of women’s Olympic competition, there have been discriminatory, harmful, intrusive practices requiring women to prove they are women to “protect” women’s sports. It began with nude parades<sup>i</sup>, where women were required to have their genitals examined by a panel of judges to be eligible to compete. After complaint, this practice stopped, and women were required to have chromosome testing<sup>ii</sup>. Upon determining there was no scientific evidence that chromosomes correlated to any physical advantage, this testing ended in 2000. Finally, to address concerns of doping, the International Olympic Committee (IOC) reserved the right to test “suspicious” athletes. This included testing for testosterone levels and offered regulations for the eligibility of transgender women to participate in sports. After almost 100 years of Olympic competition for women, in 2021 the IOC finally acknowledge that science has not be able to prove a direct correlation between chromosomes, testosterone levels, and an unfair athletic advantage.

The IOC released a framework<sup>iii</sup> in 2021 on fairness, inclusion, and non-discrimination on the basis of gender identity and sex variations. Here are a few important points that are included in this framework and should be upheld in Maryland public schools as well:

- “The general principles of inclusion and non-discrimination reflected below should be promoted and defended at *all levels* of sport.”
- “Everyone regardless of their gender identity, expression or sex variations should be able to participate in sport *safely and without prejudice.*”
- “Eligibility criteria should be established and implemented fairly and in a manner that *does not systemically exclude* athletes from competition based upon their gender identity, physical appearance, and/or sex variations.”
- “No athlete should be precluded from competing or excluded from competition on the exclusive ground of an *unverified, alleged or perceived unfair competitive advantage* due to their sex variations, physical appearance, and/or transgender status.”

HB 47 conflicts with these guidelines.

The Olympics has allowed transgender participation in sports in since 2003. In the past 20 years one transgender athlete has earned a medal. The Olympian, Quinn, became the first openly transgender Olympian to medal - with the Canadian women's soccer team. If there is a need to protect against competitive disadvantage, there would be evidence of this in the pinnacle of athletic competition.

Fundamentally, the point of youth sports is to foster social skills, build confidence, and create community. Sports have been proven to have mental and physical benefits for those who participate. It helps increase self-esteem and decrease depression. It is crucial for us to expand, not limit opportunities for our youth to participate in sports. This is especially important for transgender youth. The Trevor Project conducted a survey in 2022 where 59% of transgender boys, 48% of transgender girls, and 53% of nonbinary youth surveyed reported considering suicide in the previous year.<sup>iv</sup> **HB 47 fails to see that the *engagement in youth sports is more important than the outcome.***

**Social Work Advocates for Social Change urges an unfavorable report on HB 47.**

Respectfully,



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*Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.*

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<sup>i</sup> Padawer, R (2016, June 28). The humiliating practice of sex-testing female athletes. The New York Times. <https://www.nytimes.com/2016/07/03/magazine/the-humiliating-practice-of-sex-testing-female-athletes.html>

<sup>ii</sup> Ferez, S.. (2012). From women's exclusion to gender institution: A brief history of the sexual categorisation process within sport. International journal of the history of sport. 29. 272-285. 10.1080/09523367.2012.641221

<sup>iii</sup> International Olympic Committee. (2021). IOC framework on fairness, inclusion and non-discrimination on the basis of gender identity and sex variations. International Olympic Committee. <https://stillmed.olympics.com/media/Documents/News/2021/11/IOC-Framework-Fairness-Inclusion-Non-discrimination-2021.pdf>

<sup>iv</sup> The Trevor Project. (2022). 2022 National survey on LGBTQ youth mental health. The Trevor Project. <https://www.thetrevorproject.org/survey-2022/#suicide-by-gender>