

HOUSE BILL 1099

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6lr2475

By: **Delegate Cullison**

Introduced and read first time: February 11, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Vital Records – New Certificates of Birth – Gender Identity**

3 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to make a new
4 certificate of birth for an individual if the Department of Health and Mental Hygiene
5 receives a certain request and a signed statement from certain individuals that an
6 individual's gender identity differs from the sex designated on the original certificate
7 of birth; defining a certain term; altering a certain definition; and generally relating
8 to the issuance of new certificates of birth.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 4–201(a)
12 Annotated Code of Maryland
13 (2015 Replacement Volume)

14 BY adding to
15 Article – Health – General
16 Section 4–201(h–1)
17 Annotated Code of Maryland
18 (2015 Replacement Volume)

19 BY repealing and reenacting, with amendments,
20 Article – Health – General
21 Section 4–201(j) and 4–211(b)
22 Annotated Code of Maryland
23 (2015 Replacement Volume)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That the Laws of Maryland read as follows:

26 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4–201.

2 (a) In this subtitle the following words have the meanings indicated.

3 **(H–1) “GENDER IDENTITY” MEANS THE GENDER–RELATED IDENTITY,**
4 **APPEARANCE, EXPRESSION, OR BEHAVIOR OF AN INDIVIDUAL, REGARDLESS OF THE**
5 **INDIVIDUAL’S ASSIGNED SEX AT BIRTH, WHICH MAY BE DEMONSTRATED BY:**

6 **(1) CONSISTENT AND UNIFORM ASSERTION OF THE INDIVIDUAL’S**
7 **GENDER IDENTITY; OR**

8 **(2) ANY OTHER EVIDENCE THAT THE GENDER IDENTITY IS**
9 **SINCERELY HELD AS PART OF THE INDIVIDUAL’S CORE IDENTITY.**

10 (j) “Licensed health care practitioner” means:

11 (1) An individual who is:

12 (i) A physician licensed under Title 14 of the Health Occupations
13 Article;

14 (ii) A psychologist licensed under Title 18 of the Health Occupations
15 Article;

16 (iii) A registered nurse licensed and certified to practice as a nurse
17 practitioner, nurse psychotherapist, or clinical nurse specialist under Title 8 of the Health
18 Occupations Article;

19 (iv) A licensed certified social worker–clinical licensed under Title 19
20 of the Health Occupations Article; [or]

21 **(V) A LICENSED CERTIFIED SOCIAL WORKER LICENSED UNDER**
22 **TITLE 19 OF THE HEALTH OCCUPATIONS ARTICLE;**

23 **(VI) A LICENSED GRADUATE SOCIAL WORKER LICENSED UNDER**
24 **TITLE 19 OF THE HEALTH OCCUPATIONS ARTICLE AND PRACTICING UNDER THE**
25 **DIRECT SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER–CLINICAL;**

26 **(VII) A LICENSED CLINICAL PROFESSIONAL COUNSELOR**
27 **LICENSED UNDER TITLE 17 OF THE HEALTH OCCUPATIONS ARTICLE;**

28 **(VIII) A LICENSED GRADUATE PROFESSIONAL COUNSELOR**
29 **LICENSED UNDER TITLE 17 OF THE HEALTH OCCUPATIONS ARTICLE; OR**

1 **(IX) A PHYSICIAN ASSISTANT; OR**

2 (2) An individual who:

3 (i) Is licensed to practice a profession listed in item (1) of this
4 subsection in another state; and

5 (ii) Meets the requirements under the Health Occupations Article to
6 qualify for a license to practice the profession in this State.

7 4–211.

8 (b) Except as provided in subsection (d) of this section, the Secretary shall make
9 a new certificate of birth for an individual if the Department receives satisfactory proof
10 that:

11 (1) The individual was born in this State; and

12 (2) Regardless of the location, one of the following has occurred:

13 (i) 1. A licensed health care practitioner who has treated or
14 evaluated the individual has determined that the individual’s sex designation should be
15 changed because the individual has undergone treatment appropriate for the purpose of
16 sex transition or has been diagnosed with an intersex condition;

17 2. The individual, or if the individual is a minor or disabled
18 person under guardianship, the individual’s parent, guardian, or legal representative, has
19 made a written request for a new certificate of birth with a sex designation that differs from
20 the sex designated on the original certificate of birth; and

21 3. The licensed health care practitioner has signed a
22 statement, under penalty of perjury, that:

23 A. The individual has undergone surgical, hormonal, or other
24 treatment appropriate for the individual, based on generally accepted medical standards;
25 or

26 B. The individual has an intersex condition and, in the
27 professional opinion of the licensed health care practitioner, based on generally accepted
28 medical standards, the individual’s sex designation should be changed accordingly;

29 (ii) A court of competent jurisdiction has issued an order indicating
30 that the sex of an individual born in this State has been changed; [or]

1 **(III) THE INDIVIDUAL OR, IF THE INDIVIDUAL IS A MINOR OR**
2 **DISABLED PERSON UNDER GUARDIANSHIP, THE INDIVIDUAL’S PARENT, GUARDIAN,**
3 **OR LEGAL REPRESENTATIVE HAS:**

4 **1. MADE A WRITTEN REQUEST FOR A NEW CERTIFICATE**
5 **OF BIRTH WITH A SEX DESIGNATION THAT DIFFERS FROM THE SEX DESIGNATED ON**
6 **THE ORIGINAL CERTIFICATE OF BIRTH; AND**

7 **2. SIGNED A STATEMENT, UNDER PENALTY OF PERJURY,**
8 **THAT THE INDIVIDUAL’S GENDER IDENTITY DIFFERS FROM THE SEX DESIGNATED**
9 **ON THE ORIGINAL CERTIFICATE OF BIRTH; OR**

10 **[(iii)] (IV)** Before October 1, 2015, the Secretary, as provided under
11 regulations adopted by the Department, amended an original certificate of birth on receipt
12 of a certified copy of an order of a court of competent jurisdiction indicating the sex of the
13 individual had been changed.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2016.