

SENATE BILL 314

J1, R4

5lr0691
CF 5lr2495

By: **Senators Lam and Waldstreicher**

Introduced and read first time: January 13, 2025

Assigned to: Finance and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Certificates of Birth, Licenses, and Identification Cards – Sex Designation**
3 **(Birth Certificate Modernization Act)**

4 FOR the purpose of altering the circumstances under which the Secretary of Health is
5 required to make a new certificate of birth due to the change of a sex designation of
6 an individual; establishing requirements and a prohibition related to the making of
7 new certificates of birth; altering the options for indicating an individual's sex
8 designation on a license, identification card, and moped operator's permit issued by
9 the Motor Vehicle Administration; and generally relating to the issuance of
10 certificates of birth, licenses, and identification cards.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 4–211
14 Annotated Code of Maryland
15 (2023 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 12–305(a) and (b)
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2024 Supplement)

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

23 **Article – Health – General**

24 4–211.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except as provided in subsection [(d)] (E) of this section, the Secretary shall
2 make a new certificate of birth for an individual if the Department receives satisfactory
3 proof that:

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

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

6 (i) The previously unwed parents of the individual have married
7 each other after the birth of the individual;

8 (ii) A court of competent jurisdiction has entered an order as to the
9 parentage, legitimation, or adoption of the individual; or

10 (iii) If a parent who did not give birth to the individual is not named
11 on an earlier certificate of birth:

12 1. The parent who did not give birth to the individual has
13 acknowledged [himself or herself] by affidavit to [be] **BEING** a parent of the individual; and

14 2. The [mother of the individual] **PARENT LISTED ON THE**
15 **INDIVIDUAL'S BIRTH CERTIFICATE** has consented by affidavit to the acknowledgment.

16 (b) Except as provided in subsection [(d)] (E) of this section, the Secretary shall
17 make a new certificate of birth for an individual if the Department receives satisfactory
18 proof that:

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

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

21 (i) [1. A licensed health care practitioner who has treated or
22 evaluated the individual has determined that the individual's sex designation should be
23 changed because the individual has undergone treatment appropriate for the purpose of
24 sex transition or has been diagnosed with an intersex condition;

25 2.] The individual, or if the individual is a minor or disabled
26 person under guardianship, the individual's parent, guardian, or legal representative, has
27 made a written request, **UNDER PENALTY OF PERJURY**, for a new certificate of birth with
28 a sex designation that differs from the sex designated on the original certificate of birth;
29 [and

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

1 A. The individual has undergone surgical, hormonal, or other
2 treatment appropriate for the individual, based on generally accepted medical standards;
3 or

4 B. The individual has an intersex condition and, in the
5 professional opinion of the licensed health care practitioner, based on generally accepted
6 medical standards, the individual's sex designation should be changed accordingly;]

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

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

13 (c) **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE**
14 **SECRETARY SHALL MAKE A NEW CERTIFICATE OF BIRTH FOR AN INDIVIDUAL IF THE**
15 **DEPARTMENT RECEIVES SATISFACTORY PROOF THAT:**

16 **(1) THE INDIVIDUAL WAS BORN IN THIS STATE; AND**

17 **(2) REGARDLESS OF THE LOCATION, A COURT OF COMPETENT**
18 **JURISDICTION HAS ISSUED AN ORDER INDICATING THAT THE NAME OF A PARENT**
19 **LISTED ON THE CERTIFICATE OF BIRTH HAS BEEN CHANGED.**

20 **(D)** Except as provided in subsection [(d)] **(E)** of this section, the Secretary may
21 make a new certificate of birth for an individual who was born outside the United States if
22 one of the following occurred in this State:

23 (1) The previously unwed parents of the individual have married each
24 other after the birth of the individual;

25 (2) A court of competent jurisdiction in this State has entered an order as
26 to parentage or legitimation; or

27 (3) The parent who did not give birth to the individual acknowledged
28 [himself or herself] by affidavit to [be] **BEING** a parent of the individual and the [mother]
29 **PARENT LISTED ON THE BIRTH CERTIFICATE** of the individual has consented by
30 affidavit to the acknowledgment.

31 [(d)] **(E)** The Secretary may not make a new certificate of birth in connection
32 with an order of a court of competent jurisdiction relating to the adoption of an individual,
33 if one of the following so directs the Secretary:

34 (1) The court that decrees the adoption;

1 (2) The adoptive parents; or

2 (3) The adopted individual, if an adult.

3 [(e)] (F) A new certificate of birth shall be prepared on the following basis:

4 (1) The individual shall be treated as having at birth the status that later
5 is acquired or established and of which proof is submitted.

6 (2) (i) If the parents of the individual were not married and parentage
7 is established by legal proceedings, the name of the parent who did not give birth to the
8 individual shall be inserted.

9 (ii) The legal proceeding should request and report to the Secretary
10 that the surname of the subject of the record be changed from that shown on the original
11 certificate, if a change is desired.

12 (3) If the individual is adopted, the name of the individual shall be that set
13 by the decree of adoption, and the adoptive parents shall be recorded as the parents of the
14 individual.

15 (4) The new certificate of birth shall contain wording that requires each
16 parent shown on the new certificate to indicate [his or her] **THE PARENT'S** own Social
17 Security number.

18 [(f)] (G) (1) When a new certificate of birth is made under subsection (b) of
19 this section:

20 (i) The sex designation of the individual on the new certificate of
21 birth shall be the sex designation for which satisfactory proof has been submitted in
22 accordance with subsection (b) of this section; and

23 (ii) If the name of the individual has been changed at any time, the
24 name of the individual on the new certificate of birth shall be the name that was last
25 established and for which appropriate documentation has been submitted to the
26 Department.

27 (2) A new certificate of birth made under subsection (b) of this section may
28 not:

29 (i) Be marked "amended"; or

30 (ii) Show on its face that a change has been made to:

31 1. A sex designation; or

1 (i) Substitute the new certificate of birth for any certificate then on
2 file; and

3 (ii) Place the original certificate of birth and all records that relate
4 to the new certificate of birth under seal.

5 (2) The seal may be broken only:

6 (i) On order of a court of competent jurisdiction;

7 (ii) If it does not violate the confidentiality of the record, on written
8 order of a designee of the Secretary; or

9 (iii) In accordance with Title 5, Subtitle 3A or Subtitle 4B of the
10 Family Law Article.

11 (3) A certified copy of the certificate of birth that later is issued shall be a
12 copy of the new certificate of birth, unless:

13 (i) A court of competent jurisdiction orders the issuance of a copy of
14 the original certificate of birth; or

15 (ii) Title 5, Subtitle 3A or Subtitle 4B of the Family Law Article
16 provides for the issuance of a copy of the original certificate of birth.

17 **[(h)] (J)** Each clerk of court shall send to the Secretary, on the form that the
18 Secretary provides, a report of:

19 (1) Each decree of adoption;

20 (2) Each adjudication of parentage, including the parent's Social Security
21 number; and

22 (3) Each revocation or amendment of any decree of adoption or
23 adjudication of paternity that the court enters.

24 **[(i)] (K)** Upon receipt of a report or decree of annulment of adoption, the original
25 certificate of birth shall be restored to its place in the files, and the adoption certificate and
26 any accompanying documents are not subject to inspection except upon order of a court of
27 competent jurisdiction or as provided by regulation.

28 **[(j)] (L)** If no certificate of birth is on file for the person for whom a new birth
29 certificate is to be established under this section, and the date and place of birth have not
30 been determined in the adoption or paternity proceedings:

31 (1) A delayed certificate of birth shall be filed with the Secretary as
32 provided in § 4-210 of this subtitle before a new certificate of birth is established; and

1 (2) The new birth certificate shall be prepared on the delayed birth
2 certificate form.

3 **[(k)] (M)** (1) The Secretary shall, on request, prepare and register a certificate
4 in this State for an individual born in a foreign country and who was adopted:

5 (i) Through a court of competent jurisdiction in this State; or

6 (ii) 1. Under the laws of a jurisdiction or country other than the
7 United States and has been granted an IR-3 or IH-3 visa by the U.S. Citizenship and
8 Immigration Services under the Immigration and Nationality Act; and

9 2. By an adopting parent who is a resident of this State.

10 (2) Except as provided in paragraph (3) of this subsection, the certificate
11 shall be established on receipt of:

12 (i) A certificate of adoption from the court decreeing the adoption;

13 (ii) Proof of the date and place of the child's birth; and

14 (iii) A request from the court, the adopting parents, or the adopted
15 person if 18 years of age or over that the certificate be prepared.

16 (3) If the child was adopted under the laws of a jurisdiction or country other
17 than the United States and has been granted an IR-3 or IH-3 visa by the U.S. Citizenship
18 and Immigration Services under the Immigration and Nationality Act, the certificate shall
19 be established on receipt of:

20 (i) An official copy of the decree from the jurisdiction or country in
21 which the child was adopted;

22 (ii) A certified translation of the foreign adoption decree;

23 (iii) Proof of the date and place of the child's birth;

24 (iv) Proof of IR-3 or IH-3 visa status;

25 (v) A request from the court, the adopting parents, or the adopted
26 person if 18 years of age or over that the certificate be prepared; and

27 (vi) Proof that the adopting parent is a resident of this State.

28 (4) The certificate shall be labeled "Certificate of Foreign Birth" and shall
29 show the actual country of birth.

1 (5) A statement shall also be included on the certificate indicating that it
2 is not evidence of United States citizenship for the child for whom it is issued.

3 **Article – Transportation**

4 12–305.

5 (a) An application for a license, an identification card, or a moped operator’s
6 permit shall allow an applicant to indicate that the sex the applicant identifies as is:

7 (1) Female;

8 (2) Male; or

9 (3) Unspecified or [other] **ANOTHER**.

10 (b) The Administration shall ensure that the license, identification card, or moped
11 operator’s permit of an applicant who has indicated an unspecified or [other] **ANOTHER**
12 sex on an application displays an “X” in the location on the license, identification card, or
13 moped operator’s permit that indicates the applicant’s sex.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2025.