

# SENATE BILL 626

J1, R4  
SB 314/25 – FIN & JPR

6lr3585  
CF HB 1589

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By: **Senator Lam**

Introduced and read first time: February 5, 2026

Assigned to: Finance and Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 6, 2026

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Sex Designation on Certificates of Birth, Licenses, and Identification Cards -**  
3 **Sex Designation and Birth Information Histories**  
4 **(Birth Certificate Modernization Act)**

5 FOR the purpose of requiring the Secretary of Health to keep and maintain a birth  
6 information history for each individual for whom a certificate of birth is issued under  
7 a certain provision of law; requiring the Secretary to maintain a database of birth  
8 information histories that may be accessed by governmental entities for a certain  
9 purpose under certain circumstances; altering the circumstances under which the  
10 Secretary of Health is required to make a new certificate of birth due to the change  
11 of a sex designation of an individual; establishing requirements and a prohibition  
12 related to the making of new certificates of birth; altering the options for indicating  
13 an individual's sex designation on a license, identification card, and moped operator's  
14 permit issued by the Motor Vehicle Administration; and generally relating to ~~the~~  
15 ~~issuance~~ of certificates of birth, licenses, ~~and~~ identification cards, and birth  
16 information histories.

17 BY adding to  
18 Article – Health – General  
19 Section 4-208.1  
20 Annotated Code of Maryland  
21 (2023 Replacement Volume and 2025 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Health – General

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 4–211  
2 Annotated Code of Maryland  
3 (2023 Replacement Volume and 2025 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article – Transportation  
6 Section 12–305(a) and (b)  
7 Annotated Code of Maryland  
8 (2020 Replacement Volume and 2025 Supplement)

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

11 **Article – Health – General**

12 **4–208.1.**

13 **(A) THE SECRETARY SHALL KEEP AND MAINTAIN A BIRTH INFORMATION**  
14 **HISTORY FOR EACH INDIVIDUAL FOR WHOM A CERTIFICATE OF BIRTH IS ISSUED**  
15 **UNDER § 4–208 OF THIS TITLE.**

16 **(B) (1) THE BIRTH INFORMATION HISTORY FOR AN INDIVIDUAL SHALL**  
17 **CONTAIN A HISTORICAL RECORD OF:**

18 **(i) THE INDIVIDUAL’S BIRTH DATE;**

19 **(ii) THE INDIVIDUAL’S NAME;**

20 **(iii) THE INDIVIDUAL’S SEX DESIGNATION AT BIRTH; AND**

21 **(iv) ANY OTHER INFORMATION REGARDING THE INDIVIDUAL**  
22 **THE SECRETARY REQUIRES.**

23 **(2) THE SECRETARY SHALL ADOPT STANDARD PROCEDURES FOR**  
24 **ADDING UPDATED INFORMATION TO AN INDIVIDUAL’S BIRTH INFORMATION**  
25 **HISTORY.**

26 **(C) UPDATED BIRTH INFORMATION HISTORY:**

27 **(1) IS SEALED;**

28 **(2) MAY BE ACCESSED ONLY THROUGH THE PROCESS DESCRIBED**  
29 **UNDER § 4–211(G) OF THIS SUBTITLE; AND**

30 **(3) IS NOT SUBJECT TO THE PUBLIC INFORMATION ACT.**

1 4-211.

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

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

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

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

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

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

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

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

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

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

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

23 (i) ~~1.~~ **IF THE INDIVIDUAL IS A MINOR OR DISABLED PERSON**  
24 **UNDER GUARDIANSHIP:**

25 **A.** A licensed health care practitioner who has treated or  
26 evaluated the individual has determined that the individual's sex designation should be  
27 changed ~~because the individual has undergone treatment appropriate for the purpose of~~  
28 ~~sex transition or has been diagnosed with an intersex condition;~~

29 ~~2.] The individual, or if the individual is a minor or disabled~~  
30 ~~person under guardianship, the individual's parent, guardian, or legal representative, has~~  
31 ~~made a written request, UNDER PENALTY OF PERJURY, for;~~ **AND**

1                   **B. THE INDIVIDUAL'S PARENT, GUARDIAN, OR LEGAL**  
 2 **REPRESENTATIVE HAS MADE A WRITTEN REQUEST FOR A NEW CERTIFICATE OF**  
 3 **BIRTH WITH A SEX DESIGNATION THAT DIFFERS FROM THE SEX DESIGNATED ON THE**  
 4 **ORIGINAL CERTIFICATE OF BIRTH; OR**

5                   **2. IF THE INDIVIDUAL IS NOT A MINOR OR DISABLED**  
 6 **PERSON UNDER GUARDIANSHIP, THE INDIVIDUAL HAS SUBMITTED AN AFFIDAVIT**  
 7 **REQUESTING** a new certificate of birth with a sex designation that differs from the sex  
 8 designated on the original certificate of birth **THAT INCLUDED AN ATTESTATION UNDER**  
 9 **PENALTY OF PERJURY THAT THE REQUEST IS NOT BEING SUBMITTED FOR A**  
 10 **FRAUDULENT OR UNLAWFUL PURPOSE; [and**

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

13                   A. The individual has undergone surgical, hormonal, or other  
 14 treatment appropriate for the individual, based on generally accepted medical standards;  
 15 or

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

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

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

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

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

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

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

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

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

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

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

12 (1) The court that decrees the adoption;

13 (2) The adoptive parents; or

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

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

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

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

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

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

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

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

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

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

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

10 (i) Be marked “amended”; or

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

12 1. A sex designation; or

13 2. If applicable, a change of name.

14 **(3) (I) WHEN ISSUING A NEW CERTIFICATE OF BIRTH UNDER**  
15 **SUBSECTION (B) OF THIS SECTION, THE SECRETARY SHALL ALLOW AN INDIVIDUAL**  
16 **TO DESIGNATE THE SEX OF THE INDIVIDUAL AS:**

17 1. **FEMALE;**

18 2. **MALE; OR**

19 3. **UNSPECIFIED OR ANOTHER.**

20 **(II) IF AN INDIVIDUAL INDICATES A SEX DESIGNATION OF**  
21 **UNSPECIFIED OR ANOTHER ON AN APPLICATION FOR A NEW CERTIFICATE OF BIRTH,**  
22 **THE SECRETARY SHALL ENSURE THAT THE NEW CERTIFICATE OF BIRTH DISPLAYS**  
23 **AN “X” IN THE LOCATION THAT INDICATES THE INDIVIDUAL’S SEX.**

24 **(H) (1) WHEN A NEW CERTIFICATE OF BIRTH IS MADE UNDER**  
25 **SUBSECTION (C) OF THIS SECTION, IF THE NAME OF THE PARENT HAS BEEN**  
26 **CHANGED AT ANY TIME:**

27 **(I) THE NAME OF THE PARENT ON THE NEW CERTIFICATE OF**  
28 **BIRTH SHALL BE THE NAME THAT WAS LAST ESTABLISHED AND FOR WHICH**  
29 **APPROPRIATE DOCUMENTATION HAS BEEN SUBMITTED TO THE DEPARTMENT; AND**

30 **(II) EXCEPT ON REQUEST OF THE INDIVIDUAL, OR, IF THE**  
31 **INDIVIDUAL IS A MINOR OR DISABLED PERSON UNDER GUARDIANSHIP, THE**

1 INDIVIDUAL'S PARENT, GUARDIAN, OR LEGAL REPRESENTATIVE, THE NEW  
2 CERTIFICATE OF BIRTH MAY NOT INCLUDE ANY PRIOR LEGAL NAME OF THE PARENT.

3 (2) A NEW CERTIFICATE OF BIRTH MADE UNDER SUBSECTION (C) OF  
4 THIS SECTION MAY NOT:

5 (I) BE MARKED "AMENDED"; OR

6 (II) SHOW ON ITS FACE THAT A CHANGE HAS BEEN MADE TO:

7 1. A SEX DESIGNATION; OR

8 2. IF APPLICABLE, A NAME.

9 [(g)] (I) (1) If a new certificate of birth is made, the Secretary shall:

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

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

14 (2) The seal may be broken only:

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

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

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

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

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

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

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

28 (1) Each decree of adoption;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (i) An official copy of the decree from the jurisdiction or country in  
2 which the child was adopted;
- 3 (ii) A certified translation of the foreign adoption decree;
- 4 (iii) Proof of the date and place of the child's birth;
- 5 (iv) Proof of IR-3 or IH-3 visa status;
- 6 (v) A request from the court, the adopting parents, or the adopted  
7 person if 18 years of age or over that the certificate be prepared; and
- 8 (vi) Proof that the adopting parent is a resident of this State.
- 9 (4) The certificate shall be labeled "Certificate of Foreign Birth" and shall  
10 show the actual country of birth.
- 11 (5) A statement shall also be included on the certificate indicating that it  
12 is not evidence of United States citizenship for the child for whom it is issued.

### 13 Article – Transportation

14 12-305.

- 15 (a) An application for a license, an identification card, or a moped operator's  
16 permit shall allow an applicant to indicate that the sex the applicant identifies as is:
- 17 (1) Female;
- 18 (2) Male; or
- 19 (3) Unspecified or **[other] ANOTHER.**
- 20 (b) The Administration shall ensure that the license, identification card, or moped  
21 operator's permit of an applicant who has indicated an unspecified or **[other] ANOTHER**  
22 sex on an application displays an "X" in the location on the license, identification card, or  
23 moped operator's permit that indicates the applicant's sex.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2026.