

**MARYLAND JUDICIAL CONFERENCE**  
**OFFICE OF GOVERNMENT RELATIONS**

Hon. Joseph M. Getty  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Health and Government Operations Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 370  
Certificates of Birth – Issuance of New Certificates – Sex  
Designation  
**DATE:** February 2, 2022  
(2/23)  
**POSITION:** Support

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The Maryland Judiciary supports House Bill 370.

This bill would allow the Secretary of Health to alter an individual’s birth certificate to update that individual’s sex designation on written request, under penalty of perjury. This allows for self-attestation of one’s gender identity, which, along with (g)(3) of the bill (recognizing that gender does not exist on a binary of “male” or “female”), would modernize Md. Code, Health-Gen. Art. § 4-211. *See In re K.L.*, 252 Md.App. 148, 258 A.3d 932 (2021) (explaining that the present understanding is that “the seriousness of and commitment to a request to a court to declare gender, gender identity, or gender marker is not necessarily tied to the irreversibility of the medical treatments undertaken to effectuate a physical change from sex-assigned-at-birth.”).

The bill is also consistent with the efforts of the Judiciary’s Domestic Law Committee’s LGBTQ+ Family Law Workgroup, which is working with the Standing Committee on Rules of Practice and Procedure on a rule governing judicial declarations of gender identity. If enacted, the bill, along with the rule, will provide for a more clear and consistent court process. *See Id.* at 947 (holding “that the proof to support a judicial declaration of a person’s gender that is other than that person’s sex assigned-at-birth should harmonize with the proof required to support an administrative change of the sex designation on the same person’s birth certificate.”).

cc. Hon. Lisa Belcastro  
Judicial Council  
Legislative Committee  
Kelley O’Connor