

Testimony of the Human Trafficking Prevention Project

BILL NO:	Senate Bill 119
TITLE:	Legally Protected Health Care – Gender-Affirming Treatment
COMMITTEE:	Finance
HEARING DATE:	February 15, 2024
POSITION:	FAVORABLE

Senate Bill 119 would add gender-affirming care to the definition of legally protected healthcare in Maryland. [The Human Trafficking Prevention Project](#) supports this bill because it will protect health care providers, patients, and the people who support patients accessing gender-affirming care from criminal charges, civil litigation, and administrative penalties. It is essential that HTPP clients, many of whom are transgender, are able to access *both* reproductive and gender-affirming care seamlessly, which means being able to rely on the service providers with which they interact.

In 2023, the Maryland General Assembly passed the [Reproductive Health Protection Act](#), which protects abortion providers, patients, and support networks from out-of-state litigation, such as [Texas’s SB 8](#). Unfortunately, the Reproductive Health Protection Act did not include gender-affirming care in the definition of “legally protected healthcare,” an omission that puts those seeking, providing, *or* assisting with gender-affirming healthcare at risk. It also leaves huge holes in the shield for reproductive healthcare, as many providers offer both types of care.

WHAT DOES THIS BILL DO?

SB 119 is a simple technical fix that adds gender-affirming healthcare to the definition of “legally protected healthcare” in Maryland. The same shielding provisions that apply to reproductive healthcare would, upon the passage of this bill, apply to gender-affirming healthcare as well, including:

- Shielding consumers, providers, and support individuals from extradition for gender-affirming care provided in Maryland;
- Prohibiting Maryland agencies and law enforcement from assisting with out-of-state investigations of gender-affirming care legally provided in Maryland; and,
- Prohibiting occupational boards from disciplining a licensed or certified individual over out-of-state complaints about them having provided gender-affirming care.

WHY DO WE NEED THIS BILL?

Gender-affirming care is recognized as medically necessary healthcare by every major medical association, including the American Medical Association, the American Psychiatric Association, and the American Academy of Pediatrics. Eleven states and the District of Columbia have shielding laws that include gender-affirming care, and three more states have introduced bills to do so this year.

Last year, Governor Moore signed an Executive Order that shields gender-affirming care from out-of-state litigation. However, without the legislature defining this type of healthcare as legally-protected, it remains vulnerable. Twenty-two states have implemented bans on this life-saving care within the past few years. One such state [has already filed a lawsuit](#) to obtain information on a patient who sought out-of-state gender affirming care, the penalties for which can include losing medical licenses, as well as civil and criminal lawsuits aimed at patients *and* providers. Our neighbors in Ohio, West Virginia, and Pennsylvania are among the states with active or proposed bans in place; Maryland must continue to be a safe haven for transgender people and pass this technical fix to ensure that this life-saving care remains protected in our state.

Passage of SB 119 will ensure that no one ideologically-driven person or state government will be permitted to dictate the ability of any Marylander to make their own decisions about their bodies or their lives. For these reasons, the Human Trafficking Prevention Project respectfully urges a favorable report on Senate Bill 119.

The Human Trafficking Prevention Project is dedicated to ending the criminalization of sex workers and survivors of human trafficking through access to civil legal services and support for policies that dismantle harmful systems and increase access to basic human rights and legal relief.

***For more information, please contact:
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