



Senate Bill 119
Legally Protected Health Care - Gender-Affirming Treatment
February 15, 2024
Testimony of the National Center for Transgender Equality In SUPPORT to SB119

Dear Chair Beidle, Vice Chair Klausmeier, and members of the Senate Finance Committee,

The National Center for Transgender Equality (NCTE) is submitting this testimony in support of SB119, Legally Protected Healthcare - Gender-Affirming Treatment, which would add gender-affirming care to the definition of legally protected healthcare in Maryland. NCTE is a nationwide, non-profit, non-partisan organization founded in 2003 to promote public understanding, opportunity, and well-being for the nearly two million Americans who are transgender. In the nation's capital and throughout the country, NCTE works to replace disrespect, discrimination, and violence with empathy, opportunity, and justice.

In 2023, the Maryland General Assembly took a significant step forward by passing the Reproductive Health Protection Act (SB859/HB808), which shielded abortion providers, patients, and support networks from out-of-state litigation. However, this landmark legislation failed to include gender-affirming care within its scope, leaving a glaring loophole that jeopardizes the safety and security of transgender, gender-diverse, and intersex individuals seeking essential healthcare services.

SB119 is a vital technical fix that rectifies this omission by adding gender-affirming healthcare to the definition of "legally protected healthcare" in Maryland. By extending the same shielding provisions that apply to reproductive care to gender-affirming care, SB119 ensures that transgender consumers, providers, and support individuals are protected from extradition, out-of-state investigations, and disciplinary actions related to gender-affirming care provided within our state.

It is crucial to emphasize that SB119 does not alter the type of care available or who can provide it; rather, it simply safeguards the gender-affirming care that is already legal and accessible in Maryland. This bill aligns with the recommendations of major medical associations, including the American Medical Association, the American Psychiatric Association, and the American Academy of Pediatrics, all of which recognize gender-affirming care as medically necessary healthcare¹.

¹ Transgender Legal Defense & Education Fund, "Medical Organization Statements on Transgender Health Care - Trans Health Project." *Transhealthproject.org*, 2023, transhealthproject.org/resources/medical-organization-statements/ .



Several states and the District of Columbia have enacted shielding laws that include gender-affirming care, with three additional states considering similar measures this year². Given the alarming trend of states implementing bans on gender-affirming care, Maryland must assert itself as a beacon of inclusivity, safety, and protection for transgender individuals.

The urgency of passing SB119 is underscored by the aggressive efforts of some states to restrict or prohibit gender-affirming care, as evidenced by recent lawsuits and legislative actions targeting transgender healthcare providers and patients. Without legislative action, transgender individuals in Maryland remain vulnerable to discrimination, harassment, and legal repercussions for seeking essential healthcare services.

In conclusion, passing SB119 is not only a matter of healthcare equity and human rights but also a critical step towards affirming Maryland's commitment to protecting the rights and dignity of all its residents. NCTE urges you to support this vital legislation and ensure that gender-affirming care remains legally protected in our state.

We respectfully urge this committee to return a favorable report on SB119. If you have any questions, please contact Devon Ojeda (they/he), Senior National Organizer at dojeda@transequality.org.

Thank you for considering our testimony.

² Movement Advancement Project. "Equality Maps: Transgender Healthcare 'Shield' Laws." www.mapresearch.org/equality-maps/healthcare/trans_shield_laws. Accessed 02/05/2024.