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**SB 119**  
**Legally Protected Health Care – Gender Affirming Treatment**  
**Hearing of the House Health & Government Operations Committee**  
**February 15, 2024**  
**1:00 PM**

**FAVORABLE**

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization which seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. Our Health and Benefits Equity Project advocates to protect and expand access to healthcare and safety net services for Marylanders struggling to make ends meet. We support policies and practices that are designed to eliminate economic and racial inequities and enable every Marylander to attain their highest level of health. The **PJC stands in strong support of SB 119**, which would include gender-affirming care under the definition of “legally protected healthcare” in Maryland, thus protecting those seeking, providing, or assisting with gender-affirming care from certain criminal and civil proceedings related to legally protected health care.

**Maryland stands as a safe haven for access to gender affirming care.** Across various races, ages, and socioeconomic statuses, more than 500,000 LGBTQ+ individuals call Maryland home. More than 22,000 of our LGBTQ+ residents identify as transgender. Nationally, the transgender community experiences higher rates of poverty compared to cisgender people.<sup>1</sup> Similarly, Black, Asian and other non-white LGBT people experience higher rates of poverty compared to their cisgender, straight same-race counterparts.<sup>2</sup> Prior to the passage of the Trans Health Equity Act, now law, the lack of access to gender-affirming care left low-income transgender Marylanders vulnerable not only to discrimination in various areas of life, but also vulnerable to violence from individuals and groups that seek to harm them for their gender expression. Shortly after signing the Trans Health

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<sup>1</sup> Badgett, M.V. Lee, *et al.* UCLA School of Law Williams Institute, *LGBT Poverty in the United States* (2019), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/National-LGBT-Poverty-Oct-2019.pdf>.

<sup>2</sup> *Id.*

Equity Act into law, Governor Moore signed an Executive Order on June 5, 2023 protecting the right to seek gender-affirming care in Maryland.<sup>3</sup>

We thank this committee for passing the Trans Health Equity Act in 2023, which expanded access to gender affirming care, in accordance with current clinical recommendations, for Medicaid beneficiaries. We also thank this Committee for passing the Reproductive Health Protection Act during the same year which protects abortion providers, patients, and support networks from out-of-state litigation for this legally protected health care. However, gender-affirming care was not included under these shielding protections with abortion care.

**While SB 119 would be a simple technically fix, it would extend life and liberty-preserving protections to our transgender community, providers, and supportive individuals from extradition for gender-affirming care received from Maryland providers.** It would also prevent state agencies and law enforcement from complying with out-of-state investigations of legally protected gender-affirming care in Maryland. Finally, it extends the protections from occupational board disciplinary proceedings for licensed or certified individuals over out-of-state complaints for abortion care to gender-affirming care providers.

**No Marylander should be subjected to criminal or civil prosecution for their gender expression.** SB 119 would not only allow our State to continue to stand as a safe haven for transgender communities, but it would also empower our transgender community to thrive without fear of unjust prosecution outside of our State. For these reasons, the Public Justice Center urges the committee to issue a **FAVORABLE** report for **SB 119**. Thank you for your consideration of our testimony. If you have any questions about this testimony, please contact Ashley Woolard at 410-625-9409 x 224 or [woolarda@publicjustice.org](mailto:woolarda@publicjustice.org).

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<sup>3</sup> Office of Governor Wes Moore and Lt. Governor Aruna Miller, Protecting the Right to Seek Gender-Affirming Treatment in Maryland Order No. 01.01.2023.08 (June 5, 2023), [https://governor.maryland.gov/Lists/ExecutiveOrders/Attachments/11/EO\\_01.01.2023.08\\_accessible.pdf](https://governor.maryland.gov/Lists/ExecutiveOrders/Attachments/11/EO_01.01.2023.08_accessible.pdf).