



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 20, 2024

The Honorable Joseline A. Peña-Melnyk
Chair, House Health and Government Operations Committee
241 House Office Building
Annapolis, MD 21401-1991

RE: Senate Bill 119 – Legally Protected Health Care – Gender–Affirming Treatment – Letter of Support

Dear Chair Peña-Melnyk and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of support for Senate Bill (SB) 119 – Legally Protected Health Care – Gender–Affirming Treatment. SB 119 alters the definition of “legally protected health care” to include certain gender-affirming treatment. This bill aims to ensure that provisions of the law safeguard health care practitioners from certain disciplinary actions, governs certain actions in criminal and civil proceedings, and dictates the use of resources for investigations and proceedings concerning protected health care.

Gender-affirming care includes a range of treatments and interventions that “support and affirm an individual’s gender identity,” particularly when it differs from their assigned gender at birth.¹ This type of care can be life-saving for transgender youths, especially those experiencing gender dysphoria. These youths are significantly more likely than other youths to suffer emotional distress and depression, to experience bullying and other forms of violence, and to harm themselves or attempt suicide.²

In recent years, the United States has seen a rise in states enacting or considering laws that ban or restrict gender-affirming care. As of November 2023, one-third of transgender youth live in the 22 states with bans on gender-affirming care up to the age of 18 and some states are considering additional bans for transgender people into young adulthood.³ A growing number of states are considering bills that include criminal penalties against health professionals who provide gender-affirming care and parents who enable access to this care.⁴

Last year, Maryland passed the Reproductive Health Protection Act (HB 808/ SB 859), which established protection for “providing, procuring, or aiding another in providing or procuring legally protected health care” and defined “legally protected health care” to include “all reproductive health services.”⁵ SB 119 builds on this act to expand legally protected health care to include gender-affirming care, which furthers

¹ What is gender-affirming care? Your questions answered. Association of American Medical Colleges, April 2022. <https://www.aamc.org/news/what-gender-affirming-care-your-questions-answered>

² *Id.*

³ Map: Attacks on Gender Affirming Care by State. Human Rights Campaign, Nov 2023. <https://www.hrc.org/resources/attacks-on-gender-affirming-care-by-state-map>

⁴ Prohibiting Gender Affirming Medical Care for Youth. UCLA Williams Institute, March 2023. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Youth-Health-Bans-Mar-2023.pdf>

⁵ SB 0859, 2023. <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0859?ys=2023RS>

the state's efforts to protect evidence-based, medically necessary health care. In addition, many abortion providers provide a wide array of sexual and reproductive health services, including gender-affirming treatments; more than half of all Planned Parenthood locations offer gender-affirming care.⁶ SB 119 will further protect providers of abortion and sexual and reproductive health services by expanding protection to cover the full range of services many of these providers offer.

With this bill and last year's Trans Health Equity Act (HB 283/ SB 460), which expanded Medicaid benefits for gender-affirming care, Maryland continues to be a leader in promoting trans people's right to equitable health care and safety.⁷ The more than 94,000 transgender or nonbinary residents in Maryland would be able to continue to access and use medically necessary, life-saving health care, without fear of the state restricting or banning this health care.⁸

The Department supports the provision and protection of medically recommended health care and supports SB 119 to include gender-affirming treatment under the definition of legally protected health care. This bill will not have a fiscal or operational impact on the Department.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura Herrera Scott', is enclosed in a light blue rectangular box.

Laura Herrera Scott, M.D., M.P.H.
Secretary

⁶ How gender-affirming care may be impacted when clinics that offer abortions close. NPR, Aug 2022.
<https://www.npr.org/2022/08/14/1115875421/gender-affirming-care-abortion-clinics>

⁷ Maryland Department of Health announces expansion of gender-affirming care Medicaid benefits. Jan 2024.
<https://health.maryland.gov/newsroom/Pages/Maryland-Department-of-Health-announces-expansion-of-gender-affirming-care-Medicaid>

⁸ Governor Moore Signs Executive Order to Protect Gender Affirming Health Care in Maryland. June 2023.
<https://governor.maryland.gov/news/press/pages/Governor-Moore-Signs-Executive-Order-to-Protect-Gender-Affirming-Health-Care-in-Maryland.aspx>