



Senate Bill 119
Legally Protected Health Care - Gender-Affirming Treatment
March 20, 2024
Support

Dear Chair Peña-Melnyk, Vice Chair Cullison, and members of the Health and Government Operations Committee,

The Trans Rights Advocacy Coalition is submitting this testimony in strong support of SB119, which would add gender-affirming care to the definition of ‘legally protected healthcare’ in Maryland.

TRAC is a Maryland-based and entirely trans-led coalition committed to ensuring that all transgender and gender expansive Marylanders can live safe and affirming lives. Our membership includes healthcare providers, attorneys, academics, organizers and other community members who all stand in strong support of shielding gender-affirming care from out-of-state litigation

Background

In 2023, the Maryland General Assembly passed the Reproductive Health Protection Act ([SB859/HB808](#)), which protects abortion providers, patients, and support networks from out-of-state litigation. Its crucial protections combat “sue thy neighbor” legislation implemented in other states that allows them to use lawsuits to restrict reproductive healthcare access in states like Maryland.

Unfortunately, the Reproductive Health Protection Act did not include gender-affirming care in the definition of “legally protected healthcare.” This omission puts those seeking, providing, or assisting with gender-affirming care at risk, and leaves huge holes in the shield for reproductive care, as many providers do both.

What does SB119 do?

SB119/HB691 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 care would apply to gender-affirming care, 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 protected in Maryland
- Prohibiting occupational boards from disciplining a licensed or certified individual over out-of-state complaints about gender-affirming care

This bill does not change the type of care that someone can access or who can provide that care. It simply protects the gender-affirming care that is currently legal and provided in Maryland.

Why do we need SB119?

Last year, Governor Moore signed [an executive order](#) that shields gender-affirming care from out-of-state litigation. However, without the legislature defining this care as legally protected healthcare, it remains vulnerable.

[Twenty-three states](#) have implemented bans on this life-saving care within the last few years. One such state has already [filed a lawsuit](#) to obtain information on a patient who sought out-of-state care. The penalties for providing gender-affirming care 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 proposed bans or 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.**

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.¹

Why is access to gender-affirming care so important?

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. Access to gender-affirming care reduces suicide, abuse, discrimination, and harassment.

Ensuring that transgender people can continue to access gender-affirming care in Maryland without the threat of legal action to them or their provider is quite literally **a matter of life and death.**

For all these reasons, we strongly urge the committee to give SB119 a favorable report.

Sincerely,
The Trans Rights Advocacy Coalition

¹ California, Colorado, Connecticut, the District of Columbia, Illinois, Massachusetts, Minnesota, New Mexico, New York, Oregon, Vermont, and Washington include gender-affirming care in their shielding laws. [Source](#).