

# Pro-Choice Maryland Action

[www.prochoicemd.net](http://www.prochoicemd.net)

info@prochoicemd.net



## TESTIMONY IN SUPPORT OF SENATE BILL 119: Legally Protected Health Care - Gender-Affirming Treatment

TO: Chair Joseline A. Peña-Melnyk and Members of the House Health & Government Operations Committee

FROM: Pro-Choice Maryland Action

DATE: March 20, 2024

Pro-Choice Maryland Action 501(c)(4) is an independent, nonprofit organization that develops and advocates for policies that protect reproductive freedom and advance reproductive justice, including support and services for those who have children. **Pro-Choice Maryland Action strongly supports Senate Bill 119 as a means of affirming and protecting the human rights of transgender and gender nonconforming people.**

It is no secret that in recent years, policymakers in other states have ramped up their attacks on access to vital reproductive healthcare services. Emboldened by the fall of *Roe* and financed by right-wing billionaires, these policymakers and their allies have advanced legislation designed to deny access to reproductive health care to patients and to intimidate and discourage patients, their allies, and healthcare providers. One tactic they have employed is to create new legal causes of action of dubious constitutionality intended to punish citizens seeking, providing, or assisting another in receiving reproductive health care services in other states.

In response, the Maryland General Assembly in 2023 took action to protect patients, providers, and their allies from such out-of-state litigation via the Reproductive Health Protection Act. The RHPA provides that Maryland's public resources will not be utilized to aid or abet these tactics of intimidation, be they civil or criminal in nature. Specifically, it protects "legally protected health care," which it defined as "all reproductive health services, medications, and supplies related to the direct provision or support of the provision of care related to pregnancy, contraception, assisted reproduction, and abortion that is lawful in the State."<sup>1</sup>

While Pro-Choice Maryland Action applauds the Maryland General Assembly for taking this important step, there is still more work to be done. Policymakers in other states have made it clear that gender-affirming care is equally at risk as abortion and contraception. We are seeing attacks on the transgender and gender nonconforming community unlike ever before. The creation of new causes of action to intimidate transgender and gender nonconforming people is

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<sup>1</sup> Annotated Code of Maryland, State Personnel and Pensions § 2-312(a)

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just one tactic of theirs, along with bans on books, drag shows, and policing public spaces such as restrooms. At their core, all of these efforts serve no purpose other than to bully and intimidate citizens whose gender identity and expression do not fit neatly into their preconceived ideas of who deserves human rights.

Pro-Choice Maryland Action unequivocally rebukes such efforts to deny the humanity of the transgender and gender nonconforming community. While we in Maryland are unable to stop such legislation in other states, we can once again make it clear that we will not use Maryland's public resources to enable this senseless litigation. Senate Bill 119 will protect transgender and gender nonconforming people by adding "gender-affirming care" to the definition of "legally protected health care." In this way, we will ensure that no public resources will be used to investigate, prosecute, or extradite patients, providers, or their allies for seeking gender-affirming health care in Maryland. These protections are increasingly important as more and more states ban gender-affirming care and seek to punish their citizens for seeking it in other states. Indeed, Maryland's geographic position relative to many Southeastern states makes it even more important that we stand with those who need to access gender-affirming care. SB 119 represents a critical opportunity to stand with transgender and gender nonconforming people both in Maryland and elsewhere.

For the aforementioned reasons, **we urge a favorable report on Senate Bill 119.**