

SB0588\_RichardKaplowitz\_UNF  
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**TESTIMONY ON SB#/0588- POSITION: UNFAVORABLE**  
**Education - Interscholastic and Intramural Junior Varsity and Varsity Teams -  
Designation (Fairness in Girls' Sports Act)**

**TO:** Chair Feldman, Vice Chair Kagan, and members of the Education, Energy and the Environment Committee

**FROM:** Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony opposing SB#/0588, **Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness in Girls' Sports Act)**

This bill is based on misinformation and fear about whether a trans female has an advantage in participation in sports. It is applicable to a very small subset of athletes in Maryland.

My Jewish faith acknowledges the book of Jewish wisdom, the Talmud, and how the ancient sages and rabbis viewed gender diversity. The study *Exploring Gender Diversity in the Talmud: An Analysis of the Eight Genders*<sup>1</sup> covers what ancient wisdom exists on gender identity.

The National Library of Medicine within the National Institute of Health has done a comprehensive study of the issue **Sport and Transgender People: A Systematic Review of the Literature Relating to Sport Participation and Competitive Sport Policies.**<sup>2</sup> A summary of their findings shows:

To the authors' knowledge, there has been no systematic review of the literature pertaining to sport participation or competitive sport policies in transgender people. Therefore, this review aimed to address this gap in literature. Eight research articles and 31 sport policies were reviewed.

#### Results

In relation to sport-related physical activity, this review found the lack of inclusive and comfortable environments to be the primary barrier to participation for transgender people. This review also found transgender people had a mostly negative experience in competitive sports because of the restrictions the sport's policy placed on them. The majority of transgender competitive sport policies that were reviewed were not evidence based.

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[https://www.researchgate.net/publication/382297498\\_Exploring\\_Gender\\_Diversity\\_in\\_the\\_Talmud\\_An\\_Analysis\\_of\\_the\\_Eight\\_Genders](https://www.researchgate.net/publication/382297498_Exploring_Gender_Diversity_in_the_Talmud_An_Analysis_of_the_Eight_Genders)

<sup>2</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC5357259/>

Conclusion: Currently, there is no direct or consistent research suggesting transgender female individuals (or male individuals) have an athletic advantage at any stage of their transition (e.g. cross-sex hormones, gender-confirming surgery) and, therefore, competitive sport policies that place restrictions on transgender people need to be considered and potentially revised.

In light of the acknowledgement of the Talmudic sages that there are more than two genders and the results of a SCIENTIFICALLY based analysis of a broad range of studies providing data for analysis of whether this is a problem this bill seeks to delineate, I conclude this bill is based on transphobia and not necessary.

Michigan State University Glossary of the Gender and Sexuality Center <sup>3</sup> shows how the bill misstates the term it is using.

**Biological Sex** - an outdated term for birth-assigned sex. See birth-assigned sex.

**Birth-Assigned Sex** - the designation that refers to a person's biological, morphological, hormonal, and genetic composition. One's sex is typically assigned at birth and classified as either male or female. "Assigned-at-birth" serves to imply that sex assignment is without the agency of the individual. Birth-assigned sex is often mistakenly confused with gender.

Nature.com makes clear that there are variations in the **Genetic Mechanisms of Sex Determination** <sup>4</sup>

In placental mammals, the presence of a Y chromosome determines sex. Normally, cells from females contain two X chromosomes, and cells from males contain an X and a Y chromosome. **Occasionally, individuals are born with sex chromosome aneuploidies, and the sex of these individuals is always determined by the absence or presence of a Y chromosome.**

In other words, a person can look like one sex but internally, genetically, be another. Unless this bill contemplates genetic testing for every student wishing to play sports only that genetic testing can determine their sex as sex and gender are NOT the same thing. Because of the lack of comprehension of this difference and use of outdated terms and unscientific conclusions this bill should be rejected.

**I respectfully urge this committee to return an unfavorable report on SB#/0588.**

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[https://www.google.com/search?q=definitions+of+biological+sex&rlz=1C1GCEB\\_enUS962US962&oq=definitions+of+biological+sex&gs\\_lcrp=EgZiaHJvbWUyBggAEEUYOTIICAQABgWGB4yCggCEAAyChgWGB4yCAgDEAAyFhgeMggIBBAAGBYHjIICAUQABgWGB4yCAgGEAAyFhgeMggIBxAAGBYHjIICAQABgWGB4yDQgJEAAyhgMYgAQYigXSAQg2MzE3ajBqNKgCALACAQ&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=definitions+of+biological+sex&rlz=1C1GCEB_enUS962US962&oq=definitions+of+biological+sex&gs_lcrp=EgZiaHJvbWUyBggAEEUYOTIICAQABgWGB4yCggCEAAyChgWGB4yCAgDEAAyFhgeMggIBBAAGBYHjIICAUQABgWGB4yCAgGEAAyFhgeMggIBxAAGBYHjIICAQABgWGB4yDQgJEAAyhgMYgAQYigXSAQg2MzE3ajBqNKgCALACAQ&sourceid=chrome&ie=UTF-8)

<sup>4</sup> <https://www.nature.com/scitable/topicpage/genetic-mechanisms-of-sex-determination-314/#:~:text=Normally%2C%20cells%20from%20females%20contain,presence%20of%20a%20Y%20chromosome.>