

**Senate Bill 588: Education – Interscholastic and Intramural Junior Varsity and Varsity Teams 2 and Sports – Designation 3 (Fairness in Girls’ Sports Act)**

**Position: UNFAVORABLE**

**Submitted by Brynn “Bee” Cigna**

Hello, my name is Brynn Cigna, but please refer to me as Bee. I’m submitting this written testimony before the Education, Energy, and the Environment Committee. The Fairness in Girls’ Sport Act is a blatant example of anti-trans rhetoric that has been plaguing our country since the start of the 2020s. This act violates Title IX of the Education Amendments of 1972. Title IX prohibits sex discrimination in federally funded education programs and applies to all educational institutions in the United States of America.

In essence and beyond its anti-trans position, this act jeopardizes the safety of girls participating in public and nonpublic school sports. This act only applies to girls or those we deem to be ‘of the female sex’. I question to the committee on why this act is solely directed at women and girls, will an identical bill be submitted that prevents trans boys from participating in interscholastic and intramural sports with cisgender boys? This act follows the same playbook as other anti-trans legislation, thinly veiled as a promise to “protect women and girls” while promoting discrimination against trans people.

I question the committee on how this act would be enforced. According to Section A, Line 2, “student of the female sex” means a student whose biological sex is female. This act ignores over a century worth of research towards and lived experiences of intersex people. According to then Center for American Progress, “intersex” is defined as an umbrella term used to describe people born with sex traits that do not fit binary medical definitions of male or female sexual or reproductive anatomy. Examples of intersex conditions include but are not limited to: Androgen Insensitivity Syndrome, Swyer Syndrome, Turner Syndrome, and Congenital Adrenal Hyperplasia. The four intersex conditions I have listed result in the intersex individual presenting as “typically female”.

To implement this act, I question the committee if schools will be obligated to perform medical tests to “ensure” that the girls and women who are interested in playing sports are students “of the female sex” as defined by the act. Will they be subjected to chromosomal tests, hormonal tests? Will they be subjected to having their genitalia examined to ensure that they are “students of the female sex” as outlined per this act’s definition? Will they, against their will and the privacy protections offered by HIPPA [Health Insurance Portability and Accountability Act of 1996], disclose their sex assignment to their schools?

In addition to the discrimination against trans, intersex, and AFAB [assigned female at birth] individuals, this act sets up the refusal for girls who are cisgender and who had been assigned female at birth because of PCOS. Abbreviated for Polycystic Ovarian Syndrome, this is the one of most common hormonal condition among women and AFAB individuals of reproductive age

with an estimated one out of ten women possessing the condition. Part of this condition involves having excess androgens, aka male hormones, that falls outside of binary “male” and “female” testosterone levels and can be considered under the umbrella of intersex. However, the medical community at large and many individuals with PCOS don’t consider the condition to be an intersex condition; many individuals with PCOS consider themselves as cisgender women. With that outlined, with girls with PCOS—a condition that occurs in 10% of the world’s female population—be subjected to rejection by this act?

As you approach the end of my testimony, I would like to reveal something to you: I am non-binary and someone with PCOS. While I was assigned female at birth, it did not allow with my identity. Unfortunately, the United States federal government doesn’t recognize me as so, I still am intersex per my hormone levels because of PCOS. I played intramural soccer from elementary school to middle school, then intramural softball in the latter half of middle school and high school. My PCOS traits began to appear while I was a young teenager. Had I been subjected to the rules of this act, would I have been thrown out? Would you—this committee, the sponsors of this bill—denied me this opportunity to participate with my peers?

Beyond this bill, your legislative focus on restricting trans youth’s freedom to engage in traditional youth activities is misguided. You are unaware about the number of trans youth participating in Maryland’s high schools interscholastic and intramural sports; however, according to Director of Research at Athlete Ally Anna Baeth, it’s estimated that fewer than 40 of athletes in the National Collegiate Athletic Association are known to be transgender, out of more than 500,000 total athletes. That’s 0.008% of known trans athletes at a national level. I urge you to complanate the amount of effort enforcing this bill will require, in comparison to the rate of trans athletes in the state of Maryland.

I thank you for this time and I conclude my testimony with a final message: trans youth, trans adults, trans elders, trans people of all backgrounds are under attack from multiple angles. The federal government is taking extreme actions to eradicate our existence from history and the present day. This bill contributes to the denial of trans people and our right to participate freely in society. As per the Declaration of Independence, Founding Father Thomas Jefferson wrote “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

Trans people, trans youth, are entitled to the pursuit of happiness, which involves playing baseball or basketball with our peers on a sunny afternoon outside on our school fields. I urge you to acknowledge these principles and don’t deny them to trans people.