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BILL NO:	House Bill 1368
TITLE:	Certificates of Birth, Licenses, and Identification Cards - Sex Designation (Birth Certificate Modernization Act)
COMMITTEE:	Health and Government Operations/Environment and Transportation
HEARING DATE:	February 21, 2025
POSITION:	<b>SUPPORT WITH AMENDMENTS</b>

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House Bill 1368, which alters the circumstances under which the Secretary of Health is required to issue a new certificate of birth following a change in sex designation, as well as modifies the options available for indicating an individual's sex designation on state-issued identification cards, represents a significant and inclusive step forward in recognizing the rights and dignity of transgender and gender non-conforming individuals. From a legal perspective, this bill upholds fundamental principles of autonomy, privacy, and equal protection under the law by ensuring that individuals can accurately and respectfully reflect their gender identity in both vital records and identification documents.

A core principle in civil rights law is the right to self-identify, particularly when it comes to issues of identity and personal autonomy. For transgender individuals, the ability to change their sex designation on a birth certificate or state-issued identification is essential for their social and legal recognition. This bill creates a framework where transgender individuals are no longer forced to live in a state of legal dissonance—where their gender identity is inconsistent with official records—thereby reducing the risk of discrimination, harassment, and harm. By altering the circumstances under which a new certificate of birth can be issued, the bill ensures that these changes are made in a way that is both respectful and consistent with the individual's own self-determined identity.

Moreover, the bill's provisions regarding the Motor Vehicle Administration's issuance of updated licenses and identification cards further enhance the accessibility and accuracy of identity documentation. The inclusion of an option to indicate an individual's sex designation, which may include options beyond the binary categories of male and female, acknowledges the existence and validity of non-binary and gender-expansive identities. By providing clear guidelines for when and how an individual's sex designation can be updated on their birth certificate and other legal documents, the bill also ensures that these processes are standardized and equitable, avoiding the inconsistencies and discriminatory practices that have historically plagued transgender individuals seeking recognition of their gender identity.

To reconcile the provisions of this bill with potential conflicts in recent Executive Orders, we propose the amendment below to comply with shifting federal regulations without forcing Marylanders to misrepresent their gender identity on state-issued documents. This provision supports Maryland's approach to gender designation while protecting transgender and gender-nonconforming residents.

***In cases where federal law requires sex designation on government-issued identification documents, including passports, visas, and Global Entry cards, to conform with specific definitions or criteria, the Maryland Department of Health's Department of Vital Records will support individual requests to complete the DS-10 Birth Affidavit instead.***

The Women's Law Center strongly supports HB 1368 for promoting the dignity and safety of our trans and gender non-conforming community. Executive Orders come and go with each presidential administration; with HB 1368, Maryland has the opportunity to protect our people in perpetuity.

*The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.*