



Testimony for the House Health and Government Operations Committee

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HB 1368 – Health – Birth Certificate Modernization Act

FAVORABLE

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The ACLU of Maryland supports HB 1368, which seeks to empower Marylanders to access accurate birth certificates for themselves and for their children. These changes will consolidate disparate gender marker policies between Maryland agencies, easing burdens faced by members of the trans community and supporting administrative consistency and transparency.

Trans Marylanders are unlikely to have identity documents that reflect their gender identity. In a 2023 survey conducted by Trans Maryland, only 14.4% of respondents said that all of their identity documents had their correct gender, and 51.2% of respondents had **no** identity documents that reflected their correct gender.¹ Individuals who have a disability or who make less than \$35,000 per year were even less likely to have accurate documents.² A majority of those without updated documents stated that they wanted to change their name or gender marker but had not yet done so, suggesting that administrative barriers prevent individuals from completing this process.

Trans people can face significant challenges if they lack accurate identification. Identity documents are an integral part of everyday life, required for fundamental activities like starting a new job, casting a ballot, traveling, accessing government services, and proving one's identity: trans Marylanders must overcome administrative headwinds just to participate in these aspects of everyday life. Trans people without updated documents are also at higher risk for discrimination and harassment than those with documents that align with their gender identity. A 2022 survey conducted by the National Center for Transgender Equality found that twenty-two percent (22%) of the 92,329 respondents reported being verbally harassed, assaulted, asked to leave a location, or denied services when they have

¹ Zachary A. Clements, *et al.*, *Identity Documents and Trans People in Maryland: Experience with Name and Gender Markers*, TRANS MARYLAND (Jan. 2025), <https://drive.google.com/file/d/10OKGkyBRtFm2uCHyVulf5dDwg-DWSQ1T/view>.

² *Id.*

shown someone an ID with a name or gender that did not match their presentation.³ Lacking these documents can also result in other health problems, including depression, suicidal ideation, and suicide attempts.⁴ These challenges are exacerbated for Black trans individuals, who already face heightened scrutiny from law enforcement and higher rates of harassment and fatal violence.⁵ For all of these reasons, the World Health Organization has stated that lack of access to identity documents that match gender expression is associated with structural and social inequalities that perpetuate stigma and discrimination.⁶

HB 1368 would ease these challenges by creating a uniform standard between the Maryland Department of Health Vital Statistics Administration and other Maryland agencies. This standard will clarify the process for trans individuals and for state officials, helping increase the number of individuals who can access gender affirming documents. The bill will also ensure that trans parents can prove they are related to their own children after they have changed their name, helping maintain family connections and preventing future legal difficulties. Additionally, by allowing self-certification of gender under penalty of perjury, the bill will empower all people born in Maryland to access a birth certificate that matches their identity and the identity of their parents regardless of their ability to get sworn statements from medical providers. Committing to these changes will demonstrate Maryland's dedication to ensuring a safe and supportive environment for our trans community. In the context of renewed and vicious attacks on the LGBTQ+ community by the federal government, demonstrating this dedication is more important than ever.

For the foregoing reasons, we urge a favorable report on HB 1368.

³ Sandy E. James *et al.*, *Early Insights: A Report of the 2022 U.S. Transgender Survey*, NATIONAL CENTER FOR TRANSGENDER EQUALITY (2023), https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FINAL.pdf.

⁴ Kyle KG Tan *et al.*, *Barriers to Possessing Gender-Concordant Identity Documents are Associated with Transgender and Nonbinary People's Mental Health in Aotearoa/New Zealand*, LGBT HEALTH (Sep. 2022), <https://pmc.ncbi.nlm.nih.gov/articles/PMC9536333/pdf/lgbt.2021.0240.pdf>.

⁵ *The Epidemic of Violence Against the Transgender and Gender Non-Conforming Community in the United States*, HUMAN RIGHTS CAMPAIGN FOUNDATION (Nov. 2023), <https://reports.hrc.org/an-epidemic-of-violence-2023#>.

⁶ *Policy Brief: Transgender People and HIV*, WORLD HEALTH ORGANIZATION (Jul. 2015), https://iris.who.int/bitstream/handle/10665/179517/WHO_HIV_2015.17_eng.pdf.