
TESTIMONY IN SUPPORT OF HOUSE BILL 1368

Certificates of Birth, Licenses, and Identification Cards - Sex Designation (Birth Certificate Modernization Act

Health and Government Operations Committee

February 21, 2025

Social Work Advocates for Social Change strongly supports HB 1368, which will allow individuals who were born in Maryland to change the sex designation on their birth certificate to M, F, or X without additional documentation from a licensed health care practitioner. This bill will also enable parents who have undergone a legal name change to update their names on their child's birth certificate.

HB 1368 will protect the safety of trans people. Inaccurate identity documents create situations where trans people are forced to disclose their trans identity, which puts trans people at greater risk of discrimination. Nearly one quarter (22%) of respondents to the 2022 US Trans Survey reported being harassed, assaulted, or denied services after showing an ID with a name or gender marker that did not match their presentation.ⁱ HB 1368 will make it easier for trans people to obtain birth certificates that match their gender identity, gender presentation, and the sex designation on other forms of identification documents, reducing involuntary disclosures. The updated birth certificates will be printed to make them indistinguishable from the original birth certificates, which will further reduce the need for involuntary disclosures. Additionally, HB 1368 will protect transgender parents from needing to disclose their trans identity in order to prove legal connections to their children.

HB 1368 will enable individuals who already have an X marker on their passports or driver's licenses to obtain a birth certificate consistent with these documents.

Maryland residents have been able to change the sex designation on their driver's licenses to an X since 2019.ⁱⁱ One in six (17%) respondents to the Maryland Trans Survey reported already having an X marker on their license or state ID.ⁱⁱⁱ HB 1368 will bring the procedures for updating birth certificates in line with those for licenses, simplifying the processes for getting accurate identity documents and reducing the concern and confusion that comes with having inconsistent markers across documents. With this bill, **Maryland will join the 16 other states and Washington D.C. that allow residents to have M, F, or X markers on their birth certificates.**^{iv}

HB 1368 will reduce administrative barriers to obtaining accurate birth certificates by eliminating the requirement of additional documentation from a licensed health care practitioner. Currently, individuals must obtain documentation from a licensed physician; psychologist; nurse practitioner, nurse psychotherapist, or clinical nurse specialist; or clinical social worker stating the professional's opinion that the

individual's sex designation should be changed.^v This requirement reflects an incorrect assumption that all trans individuals need medical care related to their transition. Requiring additional verification from a third party also disregards trans people's expertise about their own experience of gender and which sex designation is most accurate and affirming of their individual experiences.

The requirement for documentation from a health care practitioner adds additional costs to people who face significant barriers to healthcare access. Findings from the Maryland Trans Survey illuminate some of these barriers, with 27.6% of respondents reporting that they did not see a doctor when needed in the last year because of cost and 40% of respondents reporting having delayed or gone without preventative care due to concerns about discrimination.^{vi} For the many trans people who already cannot access the health care they need, HB 1368 will alleviate some of the burdens created by the current requirements for acquiring accurate birth certificates. **Given the widespread need for healthcare services in general, this bill will also eliminate an unnecessary demand on clinicians' time, allowing them to focus more on direct patient care.**

Social Work Advocates for Social Change urges a favorable report on HB 1368.

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

ⁱ James et al. (February 2024). Early insights: A report of the 2022 U.S. transgender survey. National Center for Transgender Equality. https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FIN_AL.pdf

ⁱⁱ Maryland Department of Transportation Motor Vehicle Administration. *Changing Gender Designation*. <https://mva.maryland.gov/about-mva/Pages/changing-gender.aspx>. Accessed February 3, 2025.

ⁱⁱⁱ Clements, Z. A., Riggle, E. D. B., Pease, M. V., & Galupo, M. P. (January 2025). Identity documents and trans people in Maryland: Experiences with name and gender markers. Trans Maryland. <https://doi.org/10.13016/ezko-agvo>

^{iv} Movement Advancement Project. (2025). "Equality Maps: Identity Document Laws and Policies." https://www.mapresearch.org/equality-maps/identity_document_laws. Accessed February 3, 2025.

^v Maryland Department of Health and Mental Hygiene Division of Vital Records. (2016). "Change in Sex Designation on a Certificate of Live Birth: Statement of a Licensed Health Care Practitioner". https://health.maryland.gov/vsa/Documents/Corrections/Birth/Gender%20Reassignment/Gender%20Re-Assignment%20instructions%2009_01_2016.pdf. Accessed February 3, 2025.

^{vi} Pease, M. V., Taylor, S., Blinder, L., Clements, Z. A., & Galupo, M. P. (2024, March). Initial findings from the Maryland Trans Survey. Trans Maryland. <https://transmaryland.org/findings2024>