



2601 N HOWARD ST
BALTIMORE, MD 21218
TEL 410) 625-LGBT (5428)
FAX 410) 625-7423
www.freestate-justice.org

Ways and Means Committee

130 Taylor House Office Building

Annapolis, Maryland 21401

Wednesday, January 29, 2025

HB0156 – Education - Interscholastic and Intramural Junior Varsity and Varsity Teams - Designation Based on Sex (Fairness in Girls' Sports Act)

Position: **OPPOSED**

Chair Atterbeary, Vice Chair Wilkins, and Esteemed Members of the Ways and Means Committee:

My name is Lauren Pruitt, and I am the Legal Director at FreeState Justice, a nonprofit organization dedicated to serving LGBTQ+ Marylanders from diverse backgrounds. I am writing in opposition of **HB0156**, which seeks to require certain interscholastic and intramural junior varsity and varsity athletic teams or sports sponsored by certain schools to be expressly designated based on biological sex. Each year, we provide free legal services to hundreds of LGBTQ+ Marylanders who would not otherwise be able to afford an attorney, and we advocate more broadly on behalf of the LGBTQ+ community. As part of this work, we routinely represent and advocate on behalf of transgender youth in Maryland, who continue to face intense discrimination in and out of school.

We write today in opposition to **HB0156** because it unfairly targets transgender girls, depriving them of the opportunity to participate in one of the most popular outlets for social support available to our youth. Despite claims of its proponents to the contrary, **HB0156** is not based on legitimate research or credible scientific studies. Indeed, **HB0156** is not designed to establish a level playing field for student-athletes but to bar transgender girls from participating at all.

This bill is drafted from Idaho's Fairness in Women's Sports Act, which had an injunction put against it for causing irreparable harm to both cis & trans women athletes. Kayden Hulquist, a cisgender soccer player, worried she'd have to undergo invasive medical exams to verify her sex when she played for Boise High School. Lindsay Hecox, a transgender woman, withdrew from Boise State University a week after unsuccessfully trying out for the women's cross-country team; this law disqualified her. These are the outcomes we can

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come to expect if this transphobic law is passed. The science of this bill is unsupported; a person's sex has less to do with their performance in sports when compared to other biological factors.

Currently, there is no single policy in Maryland governing when and where transgender athletes may compete according to their gender identity. While this may sound like a problem to be solved, that is far from the case: instead, most schools follow the practice of major sporting organizations, which have adopted a sport-by-sport approach "that preserves the opportunity for transgender student-athletes while balancing fairness, inclusion, and safety for all who compete." These sport's governing bodies recognize that a one-size-fits-all ban on transgender athletes is inherently unfair and discriminatory, and they have instead worked to find a solution that is fair to everyone. **HB0156** would ignore all their work over the past decades and instead impose precisely the sort of discriminatory ban these organizations have worked so hard to avoid.

While the individual rules of sports governing bodies vary, many look to factors such as the length of time that an athlete has been prescribed hormone replacement therapy or the level of sex hormones such as testosterone in their bodies. Variations of these policies have been in place in elite sports for almost 20 years. The participation of transgender girls has simply had no impact on elite sports, but prohibiting their participation will have a significant effect on the girls themselves.

HB0156 is not only manifestly unfair and in contravention of the current procedure among sports regulatory bodies; it also violates federal and state nondiscrimination laws. Following the Supreme Court's decision in *Bostock v. Clayton County*, the United States Department of Education clarified that it interprets Title IX of the Educational Amendments Act of 1972 to prohibit discrimination on the basis of gender identity. There are also Maryland-specific laws preventing this form of discrimination due to the Fairness for All Marylanders Act of 2014. Enacting **HB0156** would be an invitation for a lawsuit.

I ask this committee to consider just how crucial sports are to the lives of many youths, regardless of whether they are transgender or cisgender. School sports can be crucial to a student's feeling of belonging and social support during adolescence. Sports foster values of inclusivity, teamwork, and non-discrimination. They help youth find joy and pride in a safe environment where they know they will be supported by their teammates, coaches, and peers. By preventing transgender girls from competing in alignment with their gender identity, **HB0156** directly prevents these positive benefits of sports participation.

For these reasons, FreeState Justice urges an unfavorable report on **HB0156**.

Sincerely,

Lauren Pruitt, Esq.
Legal Director, FreeState Justice