

SUPPORT SB 50 (HB 63)

Honorable Chair Feldman and members of the [Education, Energy, and the Environment](#) committee

I. Purpose

Senate Bill 50 rightly restores clarity and fairness by reaffirming that spaces, sports, and facilities designated for biological females must remain reserved for biological females. This legislation is essential to preserve women’s rights, privacy, safety, and opportunity—values enshrined in both Maryland law and the broader constitutional tradition of sex-based equality.

II. Legal Foundation

Recent federal jurisprudence underscores the constitutional soundness of sex-based distinctions when anchored in legitimate state interests such as privacy and fairness.

In **United States v. Skrametti (2025)**, No. 23-477, the **U.S. Supreme Court** explicitly ruled that **“transgender status is not a suspect or quasi-suspect class”** under the Equal Protection Clause of the 14th Amendment.¹ The Court thereby reaffirmed that legislatures may regulate on the basis of **biological sex**—not self-declared gender identity—provided such distinctions serve materially different interests such as safety, bodily privacy, and athletic competition integrity.

Thus, state laws protecting sex-based categories do *not* violate the Equal Protection Clause. Rather, they lawfully reflect biological reality and established constitutional precedent.

III. Empirical and Scientific Basis

Modern scientific consensus is unequivocal: male physiological advantage, derived from exposure to endogenous testosterone during puberty (“androgenization”), is profound, measurable, and *irreversible* through hormone suppression alone.

As summarized by Pike, Hilton, and Howe (Macdonald–Laurier Institute, 2021):

“Male physiological advantage, gained through the process of androgenization, covers the entire range of athletic capacities. If male

advantage were to be ignored by removing the women’s category, women would win next to no sporting competitions, and would be systematically excluded from participation in and the rewards of fair competition.”

— *Faster, Higher, Stronger: The biological and ethical challenges of including transgender athletes in women’s sports* (2021)²

This conclusion is substantiated by a wealth of peer-reviewed data showing retained male advantages even after years of hormone suppression:

- **Hilton & Lundberg (2020):** Testosterone suppression for 12–36 months reduced muscle mass by ~5%, yet trans-identified males retained superior lean mass and strength relative to females.
- **Harper et al. (2021, British Journal of Sports Medicine):** Even after 36 months of suppression, transwomen remained significantly stronger and faster than biological females.
- **Roberts et al. (2020):** Structural advantages—shoulder width, bone strength, aerobic capacity—are irreversible after male puberty.

These findings refute the claim that hormone therapy can eliminate the male athletic advantage. The male skeleton, lung capacity, and muscle fiber structure remain major determinants of performance.

IV. Protection of Privacy and Safety

Beyond athletics, forced sex integration in private facilities—restrooms, locker rooms, changing areas—creates tangible safety and privacy conflicts. These are not theoretical.

Case examples:

1. **Loudoun County, Virginia:** Recent incidents revealed that teenage boys were investigated for sexual harassment merely for expressing discomfort about a biologically female student using the boys’ locker room under “gender identity” policy 8040. The episode triggered a Title IX investigation by the federal government due to students’ recorded conversations and the resulting parental outrage.³
2. **Ohio YMCA case:** A trans-identifying biological male accused of indecent exposure in a women’s locker room was later “cleared” because officials ruled

that “genitalia was not visible.” The public response reflected widespread alarm about loss of privacy in spaces meant exclusively for women and girls.⁴

These incidents illustrate that so-called “inclusive” policies have yielded **institutional confusion, social tension, and diminished safety** for women and minors—especially teenage girls who are entitled to bodily privacy.

These are not fringe cases—they represent a growing national confusion in the wake of policy mandates divorced from biological and constitutional reality.

V. Policy Implications and Recommendations

1. **Uphold women’s right to privacy and safety.**

Private, sex-separated facilities prevent trauma and maintain trust—particularly for survivors of sexual assault and minors still developing body autonomy.

2. **Preserve fairness in women’s sports.**

Sex-based categories ensure that athletic achievement is based on merit within comparable physiology—not hormonal suppression tiers or self-identification.

3. **Affirm constitutional authority for biological distinction.**

SB 50 aligns with constitutional precedent affirming states’ power to recognize biological sex as legitimate grounds for organizing programs that protect public welfare.

4. **Encourage open, transparent policy review.**

Maryland should require that any state-funded sport or institution justify deviations from biological sex categorization with clear, empirical evidence—not ideological assertion.

VI. Conclusion

This bill is not about exclusion; it is about **restoring equal opportunity, dignity, and safety** to women and girls. The framers of Title IX understood that biological sex—*not*

identity or perception—dictates fairness. Reinforcing this distinction upholds science, protects children, and aligns Maryland with common sense and constitutional law.

Please vote favorably,
Mark Meyerovich
District 15

References

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