

BEFORE THE MARYLAND SENATE FINANCE COMMITTEE

Senator Pamela Beidle, Chair
Testimony in Support of Senate Bill 0626:
“Certificates of Birth, Licenses, and Identification Cards – Sex Designation
(Birth Certificate Modernization Act)”

February 23, 2026

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Whitman-Walker Health offers these comments in support of Senate Bill 0626, Certificates of Birth, Licenses, and Identification Cards – Sex Designation (Birth Certificate Modernization Act). We ask that the Committee issue a **favorable** report on this legislation, which aims to improve the lives of Marylanders by facilitating better access to accurate birth certificates, promoting accuracy and inclusivity with an “X” gender designation, and ensuring parents of all identities may change their name on a child’s birth certificate.

By way of background, Whitman-Walker Health (“WWH”) is a nonprofit, Federally Qualified Health Center rooted in community and dedicated to improving the lives of vulnerable communities. We offer primary medical and HIV specialty care; mental health and addiction treatment services; dental care; medical adherence case management; testing and prevention services for HIV and sexually transmitted infections; and pro bono legal services to residents of the greater Washington, DC area, including Marylanders. WWH has a special focus on serving individuals who identify as LGBTQ+ and those who are living with HIV, regardless of gender identity or sexual orientation. We offer direct legal services and provide representation on a wide range of issues, including discrimination in employment and health care; federal, state, and local public benefit programs; Social Security disability insurance; immigration; medical confidentiality; estate planning and healthcare powers of attorney; and name changes and updating the name and gender designation on identity documents for transgender, nonbinary, and gender non-conforming individuals. The work of WWH Legal Services is critical to the health center’s mission of providing comprehensive, integrated health care and related services to people living with HIV, the LGBTQ+ communities, and others who rely on WWH for their healthcare needs.

Since 2012, WWH Legal Services has assisted 2,828 transgender individuals, including 774 Marylanders, with filing for legal name change and with updating the name and gender designation on their government-issued identity documents. Our experience with this work has demonstrated a clear need for people to have easier access to accurate identity documents. State-issued documents have become particularly crucial as the Federal government no longer permits an individual to change the gender designation on their Social Security record or passport.

When a transgender individual is required to provide identity documents with the “wrong name” or gender, they are likely to be outed as transgender and subjected to widespread discrimination. As shown by the 2023 Maryland Trans Survey focused exclusively on Maryland residents, 41% of respondents had been fired from or denied a job; 31% were unemployed; 21% earned less than \$35,000 in annual household income; and 23% reported a major financial crisis leading to bankruptcy or inability to pay bills within the prior year.¹ The barriers caused by inaccurate documents are very real; and yet, more than a third (37%) of Marylanders surveyed had no IDs or records with their chosen name, and more than half (51%) had no IDs or records with the correct gender.²

These experiences are in line with national trends, as the 2022 U.S. Trans Survey similarly found that 34% of respondents were experiencing poverty with an unemployment rate of 18%; 11% reported being fired, forced to resign, or laid off because of their gender identity or expression; and 30% experienced homelessness in their lifetime.³ 22% of all respondents reported being verbally harassed, assaulted, asked to leave, or denied services after showing an ID with a name or gender that did not match their presentation, but nearly half (48%) of respondents had no ID listing their chosen name, and more than half (59%) had no ID listing the correct gender.⁴

The Birth Certificate Modernization Act (“BCMA”) will directly help to address these issues by ensuring that anyone born in Maryland can access an accurate birth certificate. The current process requires either a court order or medical certification signed by a licensed health care practitioner. It is unreasonable to expect a layperson to pursue a court order for the sole purpose of updating their birth certificate, and obtaining medical certification presents its own barriers.

1. Requiring medical certification presupposes access to gender-affirming care.
 - a. Transgender individuals face discrimination in accessing healthcare, and the Maryland Trans Survey revealed that nearly a third (32.5%) of respondents did not have a primary healthcare provider.
 - b. Access to medical care is predicated on having health insurance. For many individuals, insurance is tied to their employment, and transgender individuals face significantly higher rates of unemployment. While Marketplace plans may be available, more and more people are struggling to afford coverage without the

¹ Pease, M.V., Taylor, S., Blinder, L., Clements, Z.A., & Galupo, M.P. (Mar. 2024). *Initial Findings from the Maryland Trans Survey*. Trans Maryland, <https://transmaryland.org/findings2024>.

² *Id.*

³ James, S.E., Herman, J.L., Durso, L.E., & Heng-Lehtinen, R. (2024). *Early Insights: A Report of the 2022 U.S. Transgender Survey*. National Center for Transgender Equality, Washington, DC, https://transequality.org/sites/default/files/2024-02/2022%20USTS%20Early%20Insights%20Report_FINAL.pdf.

⁴ *Id.*

enhanced premium tax credits (“PTCs”) first made available under the American Rescue Plan Act of 2021. The Urban Institute has estimated that, as a result of the One Big Beautiful Bill Act and the Marketplace Integrity and Affordability rule released by the Center for Medicare and Medicaid Services, 7.3 million fewer people will receive subsidized Marketplace coverage in 2026.⁵ Without the enhanced PTCs, it is projected that 4.8 million more people will be uninsured in 2026, representing an incredible 21% increase in the overall uninsured population.⁶

- c. The availability of gender-affirming care itself is at risk. The Department of Health and Human Services issued proposed rules⁷ in December 2025, that aim to bar hospitals from providing gender-affirming care to youth by withholding Medicaid and Medicare funds and prohibiting state Medicaid and Children’s Health Insurance Program plans from using federal funding for gender-affirming care. Within Maryland, the currently pending House Bill 0679, Health Occupations – Cross-Sex Hormone Therapy for Minors,⁸ would make it a felony offense, punishable by life imprisonment, for any healthcare provider to provide hormone therapy to treat gender dysphoria in youth. Although focused on minors, these actions signal a larger effort to curtail the availability of gender-affirming care.
2. Even where an individual has access to gender-affirming care, only certain providers are qualified to sign the medical certification. A physician licensed under Title 14 of the Health Occupations Article may sign the form, but a physician’s assistant, licensed under Title 15 and capable of prescribing the required “treatment appropriate for the individual, based on generally accepted medical standards,” may not. The requirements under Title 19 are substantially similar for a certified social worker license and a certified social worker – clinical license, but only the latter can sign the form. This presents an additional barrier for individuals born in Maryland but living elsewhere, as their healthcare provider’s qualifications will not necessarily align with Maryland’s.
3. It is not an effective use of a provider’s time. It detracts from their ability to provide care to other patients experiencing active medical need when someone is required to schedule an appointment for the sole purpose of having a form signed.

⁵ Urban Institute, *4.8 Million People Will Lose Coverage in 2026 If Enhanced Premium Tax Credits Expire*, (Sept. 17, 2025), <https://www.urban.org/research/publication/48-million-people-will-lose-coverage-2026-if-enhanced-premium-tax-credits>.

⁶ *Id.*

⁷ Medicare and Medicaid Programs; Hospital Condition of Participation: Prohibiting Sex-Rejecting Procedures for Children, 90 Fed. Reg. 59463 (Dec. 19, 2025) (to be codified at 43 C.F.R. pt. 482), <https://www.federalregister.gov/documents/2025/12/19/2025-23465/medicare-and-medicaid-programs-hospital-condition-of-participation-prohibiting-sex-rejecting>.

⁸ House Bill 0679, 2026 Gen. Assemb., Reg. Sess. (Md. 2026), <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0679?ys=2026RS>.

4. The validity of an individual’s identity as a transgender person cannot not be tied to medical care. The requirement for medical certification delegitimizes people who do not wish to pursue medical interventions, and it furthers a highly damaging narrative that there are certain steps that an individual must take to be considered transgender.

Among identity documents, birth certificates are particularly important, and it is crucial to ensure that every single person can obtain an accurate record. They serve a vital function as proof of citizenship and are necessary in many different contexts. A birth certificate can be used to establish employment authorization for the purpose of completing a Form I-9 when starting a new job. An individual needs to prove citizenship or qualified immigration status when applying for federal student loans, and federal housing programs likewise require proof of citizenship or a birth certificate.

Given that transgender individuals are likely to face discrimination in areas such as employment or housing, the BCMA is an opportunity for Maryland to protect its residents at a time when they are facing challenges at the federal level. Under current Department of State policy, the Passport Agency will only issue a passport “with an M or F sex marker that matches the customer’s biological sex at birth.”⁹ A birth certificate is thus the only way for a transgender individual to show gender-affirming proof of citizenship. For individuals born in Maryland but living in a state that does not allow updates to a license or ID, their birth certificate is truly their only option.

A state that acts to protect its most vulnerable citizens is also an attractive state to prospective residents. Based on research by the Movement Advancement Project, since November 2024, an incredible 84% of transgender and nonbinary people have made significant life decisions in response to LGBTQ-related politics or laws.¹⁰ Nearly one in ten (9%) of transgender adults took the considerable step of moving to a different state, and, given that the survey covered a relatively short time frame of November 2024 to June 2025, this is a remarkable impact.¹¹ Among those who relocated, 92% cited LGBTQ-related legal protections as a top issue.¹²

⁹ Dep’t of State, *Sex Marker in Passports*, <https://travel.state.gov/content/travel/en/passports/passport-help/sex-marker.html> (last visited Feb. 23, 2026) (“The White House issued Executive Order 14168 “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government” on January 20, 2025. Under the executive order, we no longer issue U.S. passports or Consular Reports of Birth Abroad (CRBAs) with an X marker. We only issue a passport with an M or F sex marker that matches the customer’s biological sex at birth. On November 6, 2025, the U.S. Supreme Court stayed the preliminary injunction issued in June by the U.S. District Court for Massachusetts in *Orr v. Trump*. As a result, we are only issuing passports reflecting sex at birth and will not honor attestations requesting a preferred sex marker.”)

¹⁰ Movement Advancement Project, *New Survey Reveals Dramatic Changes for LGBTQ Adults Since November 2024*, <https://www.mapresearch.org/2025-norc-survey-report> (last visited Feb. 23, 2026).

¹¹ *Id.*

¹² *Id.*

The BCMA would bring Maryland Department of Health policy into alignment with a growing number of states. As it currently stands, 14 states allow an individual to amend a birth certificate through an administrative process without requiring documentation from a healthcare provider,¹³ and the lack of medical certification does not create room for abuses, as the proposed legislation specifically requires that any request for a new birth certificate be made under penalty of perjury. The gender-neutral “X” designation offered by the proposed legislation would similarly have Maryland join 16 states, plus the District of Columbia and Puerto Rico, in modernizing its policy.¹⁴ As an alternative, the “X” designation provides a more accurate option for individuals who do not readily identify with either “male” or “female” designations, and it offers increased privacy for those who wish not to disclose their gender on their identification.

Importantly, there is no legitimate government reason to require medical certification to update the gender designation on a birth certificate. Maryland has already empowered residents to self-attest to the gender designation on a license or ID, and Maryland-born individuals must be treated with respect according to their gender identity under existing nondiscrimination laws.

The improvements offered by the BCMA are however not limited to transgender individuals. Current Maryland law does not provide a clear process for amending the name of a parent on a child’s birth certificate. People change their names for a wide range of reasons unrelated to gender, from marriage and divorce to being the victim of domestic violence or stalking. The BCMA provides that a new birth certificate can be issued, without reference to any prior name, once a court of competent jurisdiction issues an order indicating that the name of a parent listed on a birth record has been changed. Parents are required to prove parentage in many situations, such as seeking medical care or communicating with schools, and the BCMA provides this important protection for families.

Obtaining accurate identity documents is a matter of providing equality, dignity, safety, and meaningful access to government services. Whitman-Walker Health applauds the many efforts made by the State of Maryland to protect LGBTQ+ individuals, and we have seen firsthand the positive impact of such changes on Marylanders everywhere. We strongly support the passage of this legislation and urge the Committee to issue a favorable report on Senate Bill 0626.

We thank you for the opportunity to share our experience.

¹³ Movement Advancement Project, *Identity Document Laws and Policies*, https://www.lgbtmap.org/equality-maps/identity_document_laws (last accessed Feb. 23, 2026) (showing that California, Illinois, Maine, Massachusetts, Michigan, Nevada, New Jersey, New York, Oregon, Rhode Island, Vermont, Colorado, New Mexico and Washington do not require provider certification to update a birth certificate).

¹⁴ *Id.* (showing that the same states, along with Connecticut, Utah, the District of Columbia, and Puerto Rico, offer an “X” gender designation in addition to “M” or “F”).



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