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April 01 2026

SB 0626 - UNF

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

Dear Chair [Heather Bagnall](#), Vice Chair [Bonnie Cullison](#), and Members of the Health Committee,

An infant has an identifiable biological sex based on possessing testes or ovaries as implied by genitalia, or as otherwise determined by medical examination, but does not yet have an identifiable gender identity. Biological sex should not be confused with gender identity which is a cognitive/psychological trait that sometimes conflicts with biological sex. This bill inappropriately allows people to unilaterally replace their biological sex with conflicting gender on the primary, and often only, official record of biological sex, thus corrupting the integrity of biological sex documentation.

Both biological sex and gender identity are important. Which takes priority when they conflict is context and details sensitive. For example, transgender women should not participate in a medical clinical trial for women to determine if a medication has a different impact on women than men. Biological sex dependent medical care, such as cervical smear tests or prostate exams, or biological sex-specific cancer referrals, may be omitted or misdirected as a result of mis-identifying biological sex. Medical lab results with biological sex correlations may be misinterpreted. We should be recording biological sex as accurately as we can, particularly for transgender individuals. Gender identity should not displace biological sex as proposed by this bill.

Maryland law allows individuals to specify, and easily change, their gender identity on their Maryland ID to be F, M, or X, which is consistent with protecting the integrity of the recording of biological sex on birth certificates. The Maryland ID is a more appropriate place for doing so than birth certificates. Insofar as passports must match birth certificates they too will prioritize biological sex over gender identity, that is a federal government policy issue that should be debated at the federal government level.

Most people with Differences of Sexual Development (DSD, about 1.7% of the population) are unambiguously male or female, only about 0.02% people are not either male or female. To accommodate that 0.02% birth certificates could adopt a F, M, or X designations for biological sex. Since biological males can be born with female-like genitalia and internal testes which are not externally visible, the law should allow subsequent corrections in birth certificates, *with the approval of a licensed medical professional for the sole purpose of more accurately record medically confirmed biological sex* in contexts where there was ambiguity, or a mistake was made, without promoting a category error.

The National Collegiate Athletic Association (NCAA) recently banned the participation of transgender athletes in women's sports. They define a women as anyone who is currently assigned female on their birth certificate. Converting birth certificates from their primary role of identifying biological sex to instead identifying gender identity thusly functions as a concealed back door exit from continuing to segregate sports competitions by biological sex. Sporting competitions is one of the contexts where the usually substantial role of biological sex outweighs the often comparatively negligible role of conflicting gender identity.

Respectfully,
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