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The Honorable Jheanelle K. Wilkins
House Ways and Means Committee
130 Taylor House Office Building
Annapolis, Maryland 21401

Testimony of Trans Maryland

IN OPPOSITION TO

House Bill #63: Education - Interscholastic and Intramural Junior Varsity and Varsity Teams and Locker Rooms - Designation Based on Sex (Fairness in Girls' Sports Act)

To the Chair, Vice Chair, and esteemed members of the House Ways and Means Committee:

Trans Maryland is a multi-racial, multi-gender community power building organization for Maryland's trans community. In that capacity we work with transgender young people all across the state, as well as their families, friends, and classmates. Since 2021, we have seen unprecedented attacks on trans youth across the country, at both the state and federal level. While Maryland has thus far resisted joining the bandwagon of anti-trans legislation, legislation like House Bill 63 demonstrates that not even Maryland is free from this wave of anti-trans rhetoric. We are deeply saddened—and, indeed, embarrassed—to see elected Maryland legislators targeting young trans girls with this legislation.

We'd first like to address comments to any young trans or intersex girls who read this testimony. The actions of the adult legislators who have brought this bill to the legislature are born out of fear and bigotry. Trans Maryland wants you to know that transgender and cisgender adults alike find this legislation targeting you to be in bad faith, a misunderstanding of science and biology, and an openly bigoted act against young trans and intersex girls and women like yourself who just want to have fun by enjoying the many health and wellness benefits of playing youth sports.

Since the passage of the Fairness for All Marylanders Act more than a decade ago, gender identity has been a protected class under Maryland law. These protections were reinforced in educational settings in 2022 with the passage of House Bill 850/Senate Bill 666, which prohibits schools from discriminating against students on the basis of a number of protected classes, including gender identity. House Bill 63 would fly in the face of established Maryland law, instructing Maryland's schools not to discriminate against transgender students, *except in this particular instance*. In addition, the bill would also bring schools out of compliance with MPSSA's Transgender Person Guidance for Participation in Interscholastic Athletics, as well as the MSDE's Non-Discrimination Guidelines for Student Transitions.



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More crucially, House Bill 63 also exhibits a fundamental misunderstanding of the concept of biological sex, which it frames as a simple, easily identifiable, binary. This is far from true.

Proponents of House Bill 63 would tell you that biological sex is determined at birth (or even, as a recent Trump Administration executive order would have it, at conception¹), that sex is a binary, and that sex is static from birth until death. These beliefs are not only outdated, they also manifest a misunderstanding of scientific facts and realities that not only denies the existence of transgender people, but also erases the lived experiences of intersex people, a group that includes about 2% of the total population. Contrary to claims from the bill's proponents, sex does not fit neatly into two distinct boxes and there is no single test that could be performed to assign everyone into one of those boxes.

More crucially, House Bill 63 is also built on the sexist fallacy that all people assigned male at birth are inherently superior at athletics to all people assigned female at birth. This is the attitude that leads a significant percentage of men to believe that they could go toe-to-toe with Serena Williams, one of the greatest tennis players who has ever lived. But, because she is a *woman*, many men believe they are inherently better than her, regardless of whether they have ever played tennis before in their lives.² This same rhetoric that women are inherently inferior to men has pervaded prior testimony—including testimony offered by witnesses that were part of the sponsor's panel—in support of House Bill 63's predecessors in the Maryland House and Senate.³

Biological sex does not on its own impart a permanent benefit to participation in sports, especially when compared to the extreme deviations in athletic prowess caused by other biological or sociological factors. Indeed, a 2024 study in the *British Journal of Sports Medicine* funded in part by the International Olympic Committee, found that trans women do not have inherent advantages when participating in sports, that they had similar bone density and hemoglobin profiles to cisgender women, and even had decreased lower-body strength and lung function relative to cisgender women.⁴

Bills like House Bill 63 are based not on science, but on a nationwide moral panic about transgender people, as well as anyone else who pushes too far outside of established gender norms. In the same year (2024) that NCAA President Charlie Baker testified that he knew of

¹ This claim is particularly ridiculous, as *all* human embryos start out as female for the first seven weeks of gestation.

² See Emine Saner, *Why do so many men think they could win a point off Serena Williams?*, The Guardian (July 15, 2019), available at <https://www.theguardian.com/sport/shortcuts/2019/jul/15/why-do-so-many-men-think-they-could-win-a-point-off-serena-williams>.

³ See, e.g., Oral Testimony of James Crawford on Senate Bill 588 (2025).

⁴ Hamilton B, Brown A, Montagner-Moraes S, et al. Strength, power and aerobic capacity of transgender athletes: a cross-sectional study. *British Journal of Sports Medicine* 2024;**58**:586-597, available at <https://bjsm.bmj.com/content/58/11/586.long>.



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fewer than 10 transgender athletes (out of a total of 510,000 nationwide) participating in the NCAA,⁵ multiple female Olympic athletes were falsely accused of being transgender, including by then presidential candidate Donald Trump, who used footage of female Algerian boxer Imane Khelif in one of the final ads of his campaign with narration that “Men could beat up women and win medals.”⁶ House Bill 63 is built not on actual evidence of harm, but on false accusations like these.

Indeed, the group likely to face the greatest impact from House Bill 63 is not transgender girl athletes, but rather their cisgender peers who do not conform to white supremacist ideals of femininity, and as a result will find themselves subject to intrusive, dehumanizing, and traumatic medical examinations to prove the thing that they and everyone around them already know: that they are girls. And, as in so many other things, this burden will fall most harshly on girls of color, who are significantly more likely to be questioned on their gender presentation than their white peers. Whatever its aims, House Bill 63’s most lasting effect will be building up a system of racialized gender policing of Black and Brown girls and women.

At the end of the day, House Bill 63 is a solution in search of a problem, and in its search, it threatens to hamper the ability of all girls to participate fully in school life. The benefits of sports and participation in team sports is one that should not be unequally conferred to only cisgender endosex young people. The beauty of competition and participation in that competition has a long history of being limited by those requesting to ensconce their own biases, and codify their bigotry. It is particularly shameful when adults attempt to perpetrate this on our youth.

For these reasons **we urge an unfavorable report on House Bill 63.**

⁵ See Brook Migdon, *NCAA president says there are ‘less than 10’ transgender athletes in college sports*, The Hill (Dec. 18, 2024), available at <https://thehill.com/homenews/lgbtq/5046662-ncaa-president-transgender-athletes-college-sports/>.

⁶ See Abby Monteil, *Trump Closes His Campaign With Transphobic Ad Attacking Boxer Imane Khelif*, them (Nov. 5, 2024), available at <https://www.them.us/story/donald-trump-imane-khelif-transphobia-campaign-ad>.



The Real Facts about Trans Girls in Sports

This year, the Maryland General Assembly will be hearing the so-called “Fairness in Girls’ Sports Act” for the fifth time since 2022. While the bill has died in committee every time it has been introduced, there is a lot of misinformation out there about the bill—and about the issue of transgender girls participating in sports more generally. So Trans Maryland has decided to help set the record straight on House Bill 63 and bills like it.

THE REAL FACTS:

- Scientific studies, including a [2024 study in the British Journal of Sports Medicine funded in part by the International Olympic Committee](#), have found that trans women do not have inherent advantages when participating in sports, finding they had similar bone density and hemoglobin profiles to cisgender women, as well as **decreased lower-body strength and lung function relative to cisgender women**.
- In December 2024, [NCAA President Charlie Baker testified](#) that there were **fewer than 10 transgender athletes** (out of a total of 510,000 nationwide) participating in the NCAA, making up **only 0.002%**.
- There are **ZERO** known cases of a transgender girl being awarded an athletics scholarship.

HOUSE BILL 63 ADDRESSES A PROBLEM THAT DOESN'T EXIST. BUT, IT WILL CREATE NEW PROBLEMS, INCLUDING:

- Creating an **atmosphere of fear** where all girl athletes—especially Black and Brown girls—who don't conform to gender stereotypes are at risk of being targeted.
 - At the 2024 Olympics, [Algerian boxer Imane Khelif was accused without any evidence of being transgender](#) despite having been born female. Media discussions of Khelif focused extensively on the fact that **she looked “mannish.”**
 - In 2024, a 16-year-old cisgender girl in Utah [faced threats after State Board of Education member Natalie Cline questioned her gender](#) on social media. [According to the student's father](#), she had been **targeted because of her short hair, baggy clothing, and the muscles she'd developed at the gym**.
- Subjecting cisgender athletes to invasive, **non-consensual genital inspections** to prove they are girls, increasing the [well-documented risk of athletes being abused](#) by coaches and team doctors.
- Separating transgender girls from their friends and telling them they don't belong.

BANNING TRANS GIRLS FROM PARTICIPATING IN SPORTS DOES NOT ADDRESS THE REAL ISSUES IMPACTING GIRLS' SPORTS, INCLUDING:

- [Unequal funding for girls' athletics](#), with the gap in spending [increasing significantly since 2009](#),
- [Black and Brown girls disproportionately lack access](#) to participate in sports in the first place,
- Societal perception that girls' and women's sports [aren't as important as boys' or men's sports](#), or
- Abuse and harassment of girls and women [by coaches, doctors, and other athletic officials](#).

THE EVIDENCE IS CLEAR: VOTE NO ON HOUSE BILL 63 AND OTHER EFFORTS TO BAN TRANSGENDER GIRLS FROM PARTICIPATING IN SPORTS.