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Chair Jheanelle K. Wilkins
Ways and Means Committee
130 Taylor House Office Building
Annapolis, Maryland 21401
Feb 3, 2026

HB 63 - Interscholastic and Intramural Junior Varsity and Varsity Teams and Locker Rooms - Designation Based on Sex (Fairness in Girls' Sports Act)

LGBTQ+ CAUCUS LETTER OF OPPOSITION - UNFAVORABLE

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

Policies to ban transgender youth from participation in sports are based on unchecked fears, deceptive science, and harmful discrimination. Arguments spreading anti-trans "culture war" propaganda are aimed at making Maryland a state that is not inclusive for all. By proposing bans on trans youth in school sports year after year, the sponsors of this legislation are actively creating a state where all schoolchildren cannot be themselves. These policies are harmful to the mental health and physical safety of trans youth.

The LGBTQ+ Caucus believes that every child deserves the opportunity to play on teams according to their gender identity, and not just for the sake of their dignity. **Make no mistake - this bill a proxy for a fight for all transgender people's equal protection under the law.** We urge the Committee to return an unfavorable report on this bill.

Trans Women Have No Competitive Advantage

There is no evidence to prove that transgender athletes have a specific competitive advantage in sports because of their transgender identity. Transgender youth are like all children when comparing athletic ability between individuals: one child can simply perform better than the other and win an athletic competition. It has been over a decade since mainstream athletic organizations allowed trans women and girls to compete, and there are no studies demonstrating that trans women or girls have achieved categorical dominance or even an unfair advantage in athletics despite intense public scrutiny. Athletic capability is determined by several factors that have nothing to do with biological sex. Some of those factors are: training, nutrition, psychological factors, and access to resources.



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Anti-Dignity Policies Like This One Put Transgender Youth At Risk

Transgender youth face increased rates of depression, suicidality, and assault when compared to their cisgender peers. And when LGBTQ+ youth seek out mental health care they are frequently denied, deepening their risks of harm. Transgender youth are also far more likely to experience bullying and alienation at school by their peers. This leads to increased rates of suicide and suicide attempts, in part due to the alienation and constant political and social harassment they endure.

Research strongly emphasizes that transgender children should be on teams that affirm their gender identity, as this improves the mental and physical health of the child. For this reason, leading youth medical organizations including the American Academy of Pediatrics support policies that allow transgender youth to play on affirming teams. When sports policies are inclusive of transgender students, there are statewide increases in participation amongst high school girls' sports teams – increases for cisgender AND transgender youth. For example, since 2014, California has seen a 14% increase in high school girls' participation due to the adoption of inclusive policies.

Banning Transgender Children from Sports is Illegal under State & Federal Law

Trans student athlete bans are illegal under MD law, Title IX, and the Equal Protection Clause. Maryland state law protects all transgender people against discrimination based on gender identity, which is a protected class in our statutes. **Additionally, all public schools in Maryland are specifically prohibited from discriminating on the basis of gender identity pursuant to MD Code, Education, § 26-704.** Since 2012, the Maryland Public Secondary Schools Athletic Association's (MPSSAA) policy has allowed transgender students to participate in interscholastic sports. This policy ensures that all students can participate on teams that are consistent with their gender identity and still have fair competition, consistent with state law.

Invasive Enforcement Creates Fear And Makes Kids Less Safe

Enforcing strict male and female categories ignores biological science and the reality that there are significant numbers of people with undiagnosed Differences of Sex Development (DSD). **The bill would thus require all youth athletes to undergo invasive exams and mandates by adults.** These stigmatizing exams make kids less safe, instigate fear, and spread disinformation about transgender individuals or anyone who deviates from gendered stereotypes.



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Given the ongoing legislative discussions around student safety in our schools, are there any individuals that we would trust to enforce these policies – which require intimate medical examinations of children – in our school systems? Invasive testing as this bill would inevitably lead to systematic discrimination against transgender and gender nonconforming people, creating a chilling effect for self-expression at a time in children’s lives where they should be free to express and explore themselves. All children should be able to participate in sports and school without the fear of their gender being called into question.

Maryland needs to remain a place of inclusion for all, especially our youth, who deserve dignity and opportunity in athletics and every other context.

Participation in youth sports is crucial to develop social skills, foster community, and boost self confidence in our students. All children should have the opportunity to play a sport that they love in an environment that affirms who they are. Those formative school age memories stay with one forever. They should not be tainted due to discriminatory policies. **School is already hard enough for children who must navigate bullying from peers and rhetoric online– they don’t need additional harassment via government overreach.**

The Maryland LGBTQ+ Caucus is firmly opposed to this bill and all bills that harm the dignity, development, and civil rights of our students, cisgender and transgender alike.

We respectfully ask for an unfavorable report.

Thank you,

Delegate Kris Fair

Chair, Maryland Legislative LGBTQ+ Caucus