

Testimony Opposing HB0063

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

UNFAVORABLE

February 3, 2026

Delegate Jheanelle K. Wilkins, Chair; Delegate Jessica Feldmark, Vice Chair; and esteemed members of the House Ways and Means Committee:

I am writing to ask you to vote no on House Bill 63, the so-called “Fairness in Girls’ Sports Act.” Bills like this, which would ban transgender girls from participating on high school sports teams that align with their gender identity, have been proposed in Maryland each session since 2022. Even though the bills have died in committee every time, anti-transgender misinformation and bias are rampant in American society and we must call out the inaccuracies clouding the issues and reject this bill.

The truth is that allowing transgender girls to participate on school sports teams is important for their physical and mental [health](#), affects only a small fraction of athletic teams, and would not result in the parade of horrors that proponents of this ban suggest. However, a ban would result in many harms, including: enforcement measures such as intrusive genital exams for both transgender as well as cisgender (non-transgender) high school athletes; needlessly excluding a class of student-athletes from equal opportunities to play sports; and cultivating a damaging atmosphere of suspicion that would discourage students from participating on teams, particularly those that do not conform to gender stereotypes.

Only a miniscule number of transgender girls play (or seek to play) on school sports teams aligning with their gender identity, which makes this sweeping legislation egregiously and unnecessarily overbroad. Although it is difficult to estimate the number of transgender girls who would be affected by this proposed ban, data suggests that only about [122,000 transgender youth aged 13 to 17 may be participating in high school-level athletics nationwide](#). Across more than [27,175 high schools](#) in the U.S., only an average of four transgender boys and girls per school might seek to play a sport. The number is even lower since that average includes co-educational sports teams. Even fewer transgender athletes participate at the college level, according to the [NCAA](#), and there are no known cases in which a transgender girl has been awarded an athletic scholarship. This bill is exceedingly overbroad and cruelly discriminates against a very small cohort of youths who want to participate in the health and social benefits of team sports during their high school years – [benefits](#) which are well-documented.

Furthermore, scientific studies show that transgender women do not have inherent advantages when participating in sports. Specifically, a [2024 study](#) found 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. There is [no empirical evidence](#) that transgender female athletes have an advantage when compared to cisgender female athletes that would justify imposing a categorical ban.

In addition, there is no evidence that the small number of transgender students in Maryland high school athletics have caused unfairness in competition or caused cisgender girls to be excluded from athletic teams. Interscholastic sports programs in Maryland’s public schools are controlled locally and are governed by standards developed by the Maryland Public Secondary Schools Athletic Association (MPSSAA) and regulations set by the Maryland State Department of Education. School officials say this

system has worked well for more than 10 years, allowing local decision-making while ensuring competitive fairness and equal opportunities for all student-athletes. Pursuant to the [MPSSAA Guidance for Participation of Transgender Youth in Interscholastic Athletics](#), local school systems determine eligibility of transgender students, giving attention to the need to preserve the integrity of women's sports, and considering variation among individuals in strength, size, musculature, and ability, in order to maintain a safe, competitive and friendly environment. There is no indication further regulation in this area is necessary to maintain the present athletic system that serves all students.

While the evidence is lacking concerning any alleged harms caused by transgender student participation on sports teams, there is plentiful evidence that a categorical ban would result in many harmful effects. Enforcement of such a ban would necessarily involve examinations of genitalia of minors and/or potentially expensive genetic testing to "prove" eligibility. The dangerous implications of such testing, especially considering well-publicized instances of sexual abuse of young athletes by coaches and others, should be obvious and could affect both transgender and cisgender girls. Additionally, cisgender girls in states where sports bans have been implemented [have suffered harassment and abuse](#) from accusations of being too athletically talented or physically developed to be girls, in some cases making it impossible to continue to play. The practical result of a ban would create a harmful atmosphere where the gender of any child could be openly questioned and attacked. It could discourage students from participating on teams, particularly those that do not conform to gender stereotypes by being "too tall," "too strong," or "too masculine." Surely none of this is something anyone would support, particularly those who assert their goal in supporting a ban on transgender girls in sports is to "protect women and girls."

In addition to opposing the bill because of its detrimental impact on both transgender as well as cisgender girls, House Bill 63 appears to be unlawful under Title IX of the Education Amendments of 1972, [20 U.S.C. §§ 1681–1688](#) and the Equal Protection Clause of the [Fourteenth Amendment of the U.S. Constitution](#). Title IX protects people from discrimination based on sex in all education programs or activities that receive federal funding, and as the name suggests, the Equal Protection Clause guarantees equal protection under the laws. As the text of House Bill 63 excludes transgender girls from sports teams designated for "girls, females, or women" in proposed Section 7-118(C)(2), and the record shows the bill's proponents intend for the law to categorically ban transgender girls from public school sports teams that correspond with their gender identity, the law discriminates based on transgender status in violation of Title IX and the Fourteenth Amendment.

Students should have the right to participate in athletics in a manner consistent with their gender identity, even if that identity differs from the sex listed on their birth certificate. Athletic associations and schools in Maryland should continue to work in partnership with transgender students to ensure that athletic participation and facility access (*e.g.*, locker rooms) are safe and affirming. All students deserve an opportunity to participate in the physical and mental health benefits of team sports, without being subjected to harmful attacks on their gender status. Because House Bill 63 is excessively overbroad, ignores the harms that would flow from such a sweeping ban, and is on its face contrary to law, I ask you to vote no on House Bill 63 and any other efforts to ban transgender girls from participating in sports.

Respectfully Submitted,

Melinda Littell

Arnold, D33C