

HOUSE BILL 1368

J1, R4

5lr2495
CF SB 314

By: **Delegates Martinez, Acevero, Cullison, Fair, Hill, Kaiser, Ruff, and Vogel**

Introduced and read first time: February 7, 2025

Assigned to: Health and Government Operations and Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Certificates of Birth, Licenses, and Identification Cards – Sex Designation**
3 **(Birth Certificate Modernization Act)**

4 FOR the purpose of altering the circumstances under which the Secretary of Health is
5 required to make a new certificate of birth due to the change of a sex designation of
6 an individual; establishing requirements and a prohibition related to the making of
7 new certificates of birth; altering the options for indicating an individual's sex
8 designation on a license, identification card, and moped operator's permit issued by
9 the Motor Vehicle Administration; and generally relating to the issuance of
10 certificates of birth, licenses, and identification cards.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 4–211
14 Annotated Code of Maryland
15 (2023 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 12–305(a) and (b)
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2024 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Health – General**

24 4–211.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) Except as provided in subsection [(d)] (E) of this section, the Secretary shall make a new certificate of birth for an individual if the Department receives satisfactory proof that:

(1) The individual was born in this State; and

(2) Regardless of the location, one of the following has occurred:

(i) The previously unwed parents of the individual have married each other after the birth of the individual;

(ii) A court of competent jurisdiction has entered an order as to the parentage, legitimation, or adoption of the individual; or

(iii) If a parent who did not give birth to the individual is not named on an earlier certificate of birth:

1. The parent who did not give birth to the individual has acknowledged [himself or herself] by affidavit to [be] BEING a parent of the individual; and

2. The mother, **FATHER, OR BIRTHING PARENT** of the individual has consented by affidavit to the acknowledgment.

(b) Except as provided in subsection [(d)] (E) of this section, the Secretary shall make a new certificate of birth for an individual if the Department receives satisfactory proof that:

(1) The individual was born in this State; and

(2) Regardless of the location, one of the following has occurred:

(i) [1. A licensed health care practitioner who has treated or evaluated the individual has determined that the individual's sex designation should be changed because the individual has undergone treatment appropriate for the purpose of sex transition or has been diagnosed with an intersex condition;

2.] The individual, or if the individual is a minor or disabled person under guardianship, the individual's parent, guardian, or legal representative, has made a written request, **UNDER PENALTY OF PERJURY**, for a new certificate of birth with a sex designation that differs from the sex designated on the original certificate of birth; [and

3. The licensed health care practitioner has signed a statement, under penalty of perjury, that:

1 A. The individual has undergone surgical, hormonal, or other
2 treatment appropriate for the individual, based on generally accepted medical standards;
3 or

4 B. The individual has an intersex condition and, in the
5 professional opinion of the licensed health care practitioner, based on generally accepted
6 medical standards, the individual's sex designation should be changed accordingly;]

7 (ii) A court of competent jurisdiction has issued an order indicating
8 that the sex of an individual born in this State has been changed; or

9 (iii) Before October 1, 2015, the Secretary, as provided under
10 regulations adopted by the Department, amended an original certificate of birth on receipt
11 of a certified copy of an order of a court of competent jurisdiction indicating the sex of the
12 individual had been changed.

13 (c) **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE**
14 **SECRETARY SHALL MAKE A NEW CERTIFICATE OF BIRTH FOR AN INDIVIDUAL IF THE**
15 **DEPARTMENT RECEIVES SATISFACTORY PROOF THAT:**

16 **(1) THE INDIVIDUAL WAS BORN IN THIS STATE; AND**

17 **(2) REGARDLESS OF THE LOCATION, A COURT OF COMPETENT**
18 **JURISDICTION HAS ISSUED AN ORDER INDICATING THAT THE NAME OF A PARENT**
19 **LISTED ON THE CERTIFICATE OF BIRTH HAS BEEN CHANGED.**

20 **(D)** Except as provided in subsection [(d)] **(E)** of this section, the Secretary may
21 make a new certificate of birth for an individual who was born outside the United States if
22 one of the following occurred in this State:

23 (1) The previously unwed parents of the individual have married each
24 other after the birth of the individual;

25 (2) A court of competent jurisdiction in this State has entered an order as
26 to parentage or legitimation; or

27 (3) The parent who did not give birth to the individual acknowledged
28 [himself or herself] by affidavit to [be] **BEING** a parent of the individual and the [mother]
29 **PARENT LISTED ON THE BIRTH CERTIFICATE** of the individual has consented by
30 affidavit to the acknowledgment.

31 **[(d)] (E)** The Secretary may not make a new certificate of birth in connection
32 with an order of a court of competent jurisdiction relating to the adoption of an individual,
33 if one of the following so directs the Secretary:

34 (1) The court that decrees the adoption;

2. If applicable, a change of name.

(3) (I) WHEN ISSUING A NEW CERTIFICATE OF BIRTH UNDER SUBSECTION (B) OF THIS SECTION, THE SECRETARY SHALL ALLOW AN INDIVIDUAL TO DESIGNATE THE SEX OF THE INDIVIDUAL AS:

1. FEMALE;

2. MALE; OR

3. UNSPECIFIED OR ANOTHER.

(II) IF AN INDIVIDUAL INDICATES A SEX DESIGNATION OF UNSPECIFIED OR ANOTHER ON AN APPLICATION FOR A NEW CERTIFICATE OF BIRTH, THE SECRETARY SHALL ENSURE THAT THE NEW CERTIFICATE OF BIRTH DISPLAYS AN "X" IN THE LOCATION THAT INDICATES THE INDIVIDUAL'S SEX.

(H) (1) WHEN A NEW CERTIFICATE OF BIRTH IS MADE UNDER SUBSECTION (C) OF THIS SECTION, IF THE NAME OF THE PARENT HAS BEEN CHANGED AT ANY TIME:

(I) THE NAME OF THE PARENT ON THE NEW CERTIFICATE OF BIRTH SHALL BE THE NAME THAT WAS LAST ESTABLISHED AND FOR WHICH APPROPRIATE DOCUMENTATION HAS BEEN SUBMITTED TO THE DEPARTMENT; AND

(II) EXCEPT ON REQUEST OF THE INDIVIDUAL, OR, IF THE INDIVIDUAL IS A MINOR OR DISABLED PERSON UNDER GUARDIANSHIP, THE INDIVIDUAL'S PARENT, GUARDIAN, OR LEGAL REPRESENTATIVE, THE NEW CERTIFICATE OF BIRTH MAY NOT INCLUDE ANY PRIOR LEGAL NAME OF THE PARENT.

(2) A NEW CERTIFICATE OF BIRTH MADE UNDER SUBSECTION (C) OF THIS SECTION MAY NOT:

(I) BE MARKED "AMENDED"; OR

(II) SHOW ON ITS FACE THAT A CHANGE HAS BEEN MADE TO:

1. A SEX DESIGNATION; OR

2. IF APPLICABLE, A NAME.

[(g)] (I) (1) If a new certificate of birth is made, the Secretary shall:

(i) Substitute the new certificate of birth for any certificate then on file; and

(ii) Place the original certificate of birth and all records that relate to the new certificate of birth under seal.

(2) The seal may be broken only:

(i) On order of a court of competent jurisdiction;

(ii) If it does not violate the confidentiality of the record, on written order of a designee of the Secretary; or

(iii) In accordance with Title 5, Subtitle 3A or Subtitle 4B of the Family Law Article.

(3) A certified copy of the certificate of birth that later is issued shall be a copy of the new certificate of birth, unless:

(i) A court of competent jurisdiction orders the issuance of a copy of the original certificate of birth; or

(ii) Title 5, Subtitle 3A or Subtitle 4B of the Family Law Article provides for the issuance of a copy of the original certificate of birth.

[(h)] (J) Each clerk of court shall send to the Secretary, on the form that the Secretary provides, a report of:

(1) Each decree of adoption;

(2) Each adjudication of parentage, including the parent's Social Security number; and

(3) Each revocation or amendment of any decree of adoption or adjudication of paternity that the court enters.

[(i)] (K) Upon receipt of a report or decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files, and the adoption certificate and any accompanying documents are not subject to inspection except upon order of a court of competent jurisdiction or as provided by regulation.

[(j)] (L) If no certificate of birth is on file for the person for whom a new birth certificate is to be established under this section, and the date and place of birth have not been determined in the adoption or paternity proceedings:

(1) A delayed certificate of birth shall be filed with the Secretary as provided in § 4–210 of this subtitle before a new certificate of birth is established; and

1 (2) The new birth certificate shall be prepared on the delayed birth
2 certificate form.

3 **[(k)] (M)** (1) The Secretary shall, on request, prepare and register a certificate
4 in this State for an individual born in a foreign country and who was adopted:

5 (i) Through a court of competent jurisdiction in this State; or

6 (ii) 1. Under the laws of a jurisdiction or country other than the
7 United States and has been granted an IR-3 or IH-3 visa by the U.S. Citizenship and
8 Immigration Services under the Immigration and Nationality Act; and

9 2. By an adopting parent who is a resident of this State.

10 (2) Except as provided in paragraph (3) of this subsection, the certificate
11 shall be established on receipt of:

12 (i) A certificate of adoption from the court decreeing the adoption;

13 (ii) Proof of the date and place of the child's birth; and

14 (iii) A request from the court, the adopting parents, or the adopted
15 person if 18 years of age or over that the certificate be prepared.

16 (3) If the child was adopted under the laws of a jurisdiction or country other
17 than the United States and has been granted an IR-3 or IH-3 visa by the U.S. Citizenship
18 and Immigration Services under the Immigration and Nationality Act, the certificate shall
19 be established on receipt of:

20 (i) An official copy of the decree from the jurisdiction or country in
21 which the child was adopted;

22 (ii) A certified translation of the foreign adoption decree;

23 (iii) Proof of the date and place of the child's birth;

24 (iv) Proof of IR-3 or IH-3 visa status;

25 (v) A request from the court, the adopting parents, or the adopted
26 person if 18 years of age or over that the certificate be prepared; and

27 (vi) Proof that the adopting parent is a resident of this State.

28 (4) The certificate shall be labeled "Certificate of Foreign Birth" and shall
29 show the actual country of birth.

(5) A statement shall also be included on the certificate indicating that it is not evidence of United States citizenship for the child for whom it is issued.

Article – Transportation

12–305.

(a) An application for a license, an identification card, or a moped operator's permit shall allow an applicant to indicate that the sex the applicant identifies as is:

(1) Female;

(2) Male; or

(3) Unspecified or [other] **ANOTHER**.

(b) The Administration shall ensure that the license, identification card, or moped operator's permit of an applicant who has indicated an unspecified or [other] **ANOTHER** sex on an application displays an "X" in the location on the license, identification card, or moped operator's permit that indicates the applicant's sex.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.