

# HOUSE BILL 1368

J1, R4

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CF SB 314

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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

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## 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.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

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

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

30 3. The licensed health care practitioner has signed a  
31 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;

1 (2) The adoptive parents; or

2 (3) The adopted individual, if an adult.

3 [(e)] (F) A new certificate of birth shall be prepared on the following basis:

4 (1) The individual shall be treated as having at birth the status that later  
5 is acquired or established and of which proof is submitted.

6 (2) (i) If the parents of the individual were not married and parentage  
7 is established by legal proceedings, the name of the parent who did not give birth to the  
8 individual shall be inserted.

9 (ii) The legal proceeding should request and report to the Secretary  
10 that the surname of the subject of the record be changed from that shown on the original  
11 certificate, if a change is desired.

12 (3) If the individual is adopted, the name of the individual shall be that set  
13 by the decree of adoption, and the adoptive parents shall be recorded as the parents of the  
14 individual.

15 (4) The new certificate of birth shall contain wording that requires each  
16 parent shown on the new certificate to indicate [his or her] **THE PARENT'S** own Social  
17 Security number.

18 [(f)] (G) (1) When a new certificate of birth is made under subsection (b) of  
19 this section:

20 (i) The sex designation of the individual on the new certificate of  
21 birth shall be the sex designation for which satisfactory proof has been submitted in  
22 accordance with subsection (b) of this section; and

23 (ii) If the name of the individual has been changed at any time, the  
24 name of the individual on the new certificate of birth shall be the name that was last  
25 established and for which appropriate documentation has been submitted to the  
26 Department.

27 (2) A new certificate of birth made under subsection (b) of this section may  
28 not:

29 (i) Be marked "amended"; or

30 (ii) Show on its face that a change has been made to:

31 1. A sex designation; or

1                                   2.     If applicable, a change of name.

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

5                                   1.     **FEMALE;**

6                                   2.     **MALE; OR**

7                                   3.     **UNSPECIFIED OR ANOTHER.**

8                   **(II) IF AN INDIVIDUAL INDICATES A SEX DESIGNATION OF**  
9 **UNSPECIFIED OR ANOTHER ON AN APPLICATION FOR A NEW CERTIFICATE OF BIRTH,**  
10 **THE SECRETARY SHALL ENSURE THAT THE NEW CERTIFICATE OF BIRTH DISPLAYS**  
11 **AN “X” IN THE LOCATION THAT INDICATES THE INDIVIDUAL’S SEX.**

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

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

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

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

24                                   **(I) BE MARKED “AMENDED”; OR**

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

26                                   1.     **A SEX DESIGNATION; OR**

27                                   2.     **IF APPLICABLE, A NAME.**

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

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

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

5 (2) The seal may be broken only:

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

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

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

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

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

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

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

19 (1) Each decree of adoption;

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

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

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

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

31 (1) A delayed certificate of birth shall be filed with the Secretary as  
32 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.

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

3 **Article – Transportation**

4 12–305.

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

7 (1) Female;

8 (2) Male; or

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

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

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