

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1368 (Delegate Martinez, *et al.*)
 Health and Government Operations and
 Environment and Transportation

Certificates of Birth, Licenses, and Identification Cards - Sex Designation (Birth Certificate Modernization Act)

This bill repeals the requirement that a licensed health care practitioner determine that an individual’s sex designation should be changed for the purposes of issuing a new birth certificate. Instead, an individual (or their parent, guardian, or legal representative) must make a written request, *under penalty of perjury*, to the Maryland Department of Health (MDH) for a new birth certificate with a sex designation that differs from the original birth certificate. When issuing a new birth certificate, the Secretary of Health must allow an individual to designate the sex of the individual as female, male, or unspecified or another. If an individual indicates unspecified or another, the Secretary must ensure that the new birth certificate displays an “X” in the location that indicates the individual’s sex. The bill alters the sex designation option of “other” to “another” on an application for a license, identification card, or moped operator’s permit. Furthermore, the bill alters provisions regarding a new birth certificate issued due to a name change of a parent listed on a birth certificate and makes other technical changes related to gendered language.

Fiscal Summary

State Effect: The Motor Vehicle Administration can implement the bill’s requirements with existing budgeted resources. MDH general fund expenditures increase by \$70,000 in FY 2026 only for technology upgrades. Potential minimal increase in MDH general fund revenues, as discussed below.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	70,000	0	0	0	0
Net Effect	(\$70,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Bill Summary: The bill repeals the requirement that an individual (or their parent, guardian, or legal representative) requesting a new birth certificate with a sex designation that differs from the sex designated on their original birth certificate must provide a signed statement, under penalty of perjury, from a licensed health care practitioner that the individual has undergone a sex change or has an intersex condition.

For an individual who has made a written request to the Secretary to change the designation of a parent on their birth certificate, the Secretary must issue a new birth certificate for the individual if MDH receives satisfactory proof that the individual was born in the State, and regardless of the location, a court of competent jurisdiction has issued an order indicating that the name of a parent listed on the birth certificate has been changed. The new birth certificate issued may not be marked as amended or show that a change has been made to a sex designation or, if applicable, a name.

If the name of the parent listed on a birth certificate has been changed at any time, the name of the parent on the new birth certificate must be the name that was last established and for which appropriate documentation has been submitted to MDH. Except on request, the new birth certificate may not include any prior legal name of the parent.

Current Law: The Secretary is required or authorized to make a new birth certificate for an individual born in the State under several specified circumstances. For example, a new birth certificate must be issued (1) for an individual upon satisfactory proof from a licensed health care practitioner that the individual has undergone a sex transition or has been diagnosed with an intersex condition; (2) if unwed parents marry after the birth of the individual; or (3) if a court order certifies the parentage, legitimation, or adoption of the individual.

MDH may change the name on a birth certificate once without a court order if, within 12 months after the birth of a child, MDH receives from both parents (1) a written request for the name change and (2) an affidavit sworn before a notary public stating that they are the parents of the child and are making the request of their own free will.

State/Local Fiscal Effect: While the number of individuals who may request a new birth certificate under the bill cannot be reliably estimated, it is generally assumed that MDH can accommodate such requests within existing budgeted resources.

However, MDH advises that the current Electronic Birth Registration System must be updated to allow a sex designation of “X” to be printed in the sex field of a birth certificate and to be chosen as an option on an amended birth certificate but not at the time a newborn is registered. Contractual software development services will be required. Therefore, MDH general fund expenditures increase by approximately \$70,000 in fiscal 2026 only.

To the extent that fees for the preparation of a new birth certificate mirror those currently charged for individuals who request a change in sex designation on birth certificates (\$10), general fund revenues may increase slightly. It is assumed that operations and finances of local health departments are not materially affected.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 361 of 2023 and HB 370 of 2022.

Designated Cross File: SB 314 (Senators Lam and Waldstreicher) - Finance and Judicial Proceedings.

Information Source(s): Maryland Association of County Health Officers; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Human Services; Maryland Department of Transportation; Department of Legislative Services

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Analysis by: Amberly E. Holcomb

Direct Inquiries to:
(410) 946-5510
(301) 970-5510