

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 626

(Senator Lam)

Finance and Judicial Proceedings

Health

**Sex Designation on Certificates of Birth, Licenses, and Identification Cards and
Birth Information Histories (Birth Certificate Modernization Act)**

This bill requires the Secretary of Health to issue a new birth certificate to reflect a sex designation different from the original birth certificate, as specified. For an adult (other than a disabled person under guardianship), the bill repeals the requirement that a licensed health care practitioner determine that an individual's sex designation should be changed. Also, the Secretary 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. The Secretary must keep and maintain a birth information history for each individual for whom a certificate of birth is issued and adopt standard procedures for adding updated information to an individual's birth information history. 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 and the Maryland Department of Health (MDH) can implement the bill's requirements with existing budgeted resources. Potential minimal increase in MDH general fund revenues, as discussed below.

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

Small Business Effect: None.

Analysis

Bill Summary:

Change in Sex Designation on Birth Certificate

The Secretary must issue a new birth certificate for an individual if MDH receives satisfactory proof that:

- *if the individual is a minor or a disabled person under guardianship*, (1) a licensed health care practitioner who has treated or evaluated the individual has determined that the individual's sex designation should be changed, and (2) the individual's parent, guardian, or legal representative has made a written request for a new birth certificate with a sex designation that differs from that designated on the original birth certificate; or
- *if the individual is not a minor or disabled person under guardianship*, the individual has submitted an affidavit requesting a new birth certificate with a sex designation that differs from that designated on the original birth certificate, which includes an attestation under penalty of perjury that the request is not being submitted for a fraudulent or unlawful purpose.

The bill repeals the requirement, for an individual who is not a minor or a disabled person under guardianship, that a licensed health care practitioner sign a specified statement relating to the request to change the individual's sex designation.

Change in Designation of a Parent on a Birth Certificate

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.

Birth Information History

The Secretary must keep and maintain a birth information history for each individual for whom a certificate of birth is issued, including the individual's birth date, name, and sex designation at birth, and any other information regarding the individual that the Secretary requires. Updated birth information history is sealed, may be accessed only as specified, and is not subject to the Public Information Act.

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. 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. This update can be implemented using existing budgeted resources.

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 SB 314 and HB 1368 of 2025 and HB 361 of 2023.

Designated Cross File: HB 1589 (Delegate Martinez, *et al.*) - Rules and Executive Nominations.

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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