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February 3, 2026

Ways and Means Committee  
Maryland House of Delegates  
House Office Building, Room 130  
6 Bladen Street  
Annapolis, MD 21401

**Re: OPPOSE HB 63, a bill that would reduce opportunities to participate in school sports**

Dear Members of the Ways and Means Committee:

Thank you for the opportunity to submit this testimony on behalf of the National Women's Law Center Action Fund (NWLCAF). NWLCAF is a national non-profit legal advocacy organization dedicated to the protection and advancement of legal rights and opportunities for women, girls, and all who face sex discrimination. Since our founding, NWLCAF has worked to advance educational opportunities for all students and to ensure that rights and opportunities are not unlawfully restricted based on sex. NWLCAF has a particular interest in ensuring that discrimination against LGBTQI+ individuals, including transgender women and girls, is not perpetuated in the name of women's rights.

NWLCAF is submitting testimony in opposition of HB 63, a bill that would limit participation opportunities in interscholastic and intramural athletics by narrowly defining sex to exclude transgender and gender-expansive students. **Though cloaked in rhetoric about protecting girls' sports, HB 63's exclusionary sports mandates ultimately harm all women and girls by reinforcing sexist stereotypes and codifying gender policing in schools, which exacerbates harassment and invites intrusive questioning and exams that are highly inappropriate in a school—or any—setting.** For these reasons, NWLCAF urges the Committee to reject HB 63.

**1. Exclusionary sports policies reinforce sexist stereotypes about the athletic abilities of women and girls.**

Exclusionary sports policies, like HB 63, are rooted in the same sexist stereotypes that had historically been used to exclude women and girls from school sports. This bill, cloaked in language about protecting girls' sports, implies that cisgender girls are too fragile or weak to play against a transgender peer—the same outdated

argument used before the implementation of Title IX in the 1970s to exclude women and girls from participating in school sports.<sup>1</sup> In the 1970s, women and girls grappled with exclusionary policies that either outright banned their participation or imposed restrictive rules based on stereotypes linking femininity with frailty.<sup>2</sup> As with the stereotypes leveraged in the past, these sexist arguments do not hold water in 2026: after over a decade of inclusive sports policy here in Maryland, transgender women and girls have neither dominated women's sports nor eroded athletic opportunity for cisgender women and girls.<sup>3</sup>

All athletes—regardless of gender—come in different shapes, sizes, and physical makeups that may be more or less advantageous depending on the athlete's sport. In some sports, the most dominant athletes might be both flexible and strong. In others, height, weight, hand-eye coordination, left-handedness, or quick reflexes might matter most. Categorically asserting that transgender women and girls are more athletic and therefore dominate all sports oversimplifies a more nuanced reality.

Indeed, women and girls have repeatedly prevailed over men and boys in sports competitions. In 2024, for example, at least two cisgender girls won high-school state wrestling titles, in Arizona and Maine. The Arizona champion defeated four cisgender boys on her way to the tile,<sup>4</sup> while the Maine champion won her second straight title, beating three boys in a single day.<sup>5</sup> All-girls teams have likewise defeated all-boys teams: an all-girls baseball team won a national tournament,<sup>6</sup> and later, an all-girls hockey team captured a championship,<sup>7</sup> both defeating all-boys teams. **If cisgender girls can prevail in mixed-sex competition at such highly competitive levels and in a contact sport like wrestling, surely they do not need blanket “protection” from competition with transgender girls across different ages, sports, and level of competition.**

The decades-long effort to advance women's and girls' sports was intended to address generations of exclusion and harassment that deterred participation—not to validate sexist stereotypes about presumed physical differences or abilities between women

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<sup>1</sup> *Sex Discrimination Regulations: Hearings Before the House Subcomm. on Postsecondary Educ. of the House Comm. on Educ. & Labor*, 94th Cong. 1, 71 (1975) (statement of U.S. Nat'l Student Ass'n) (describing the 1973 rescission of a Tennessee ban on high school girls playing basketball).

<sup>2</sup> *Id.*; e.g., *Dodson v. Ark. Activities Ass'n*, 468 F. Supp. 394 (E.D. Ark. 1979) (invalidating an Arkansas rule restricting high-school girls to half-court basketball).

<sup>3</sup> Gillian R. Brassil and Jeré Longman, 'Who Should Compete in Women's Sports? There Are "Two Almost Irreconcilable Positions"', *N.Y. Times* (Aug. 18, 2020), <https://perma.cc/GMB8-XF9D> ("Contrary to fears expressed by some, there has been no large-scale dominance of transgender athletes in women's sports.").

<sup>4</sup> Richard Obert, Sunnyside wrestler Audrey Jimenez's historic win highlights high school championships, *Ariz. Republic* (Feb. 17, 2024), <https://perma.cc/N2F2-7Y2L>.

<sup>5</sup> Bill Hutchinson, No fluke: Maine girl beats boys to win 2nd straight state wrestling title, *ABC News* (Feb. 22, 2024), <https://perma.cc/8XVT-LDUT>.

<sup>6</sup> Aixa Diaz, Girls Baseball Team Wins Championship at Boys Tournament, *WESH 2 News* (May 29, 2014), <https://perma.cc/J7DB-4U7F>.

<sup>7</sup> Amy Powell, All-girls NorCal Hockey Team Beat Fresno Rivals Twice Despite Bullying on the Ice, *ABC 7 Eyewitness News* (Apr. 7, 2018), <https://perma.cc/M2ZD-LFQD>.

and men. In the 1970s, women and girls faced ongoing discrimination when afforded an opportunity to play: men might harass them, refuse to engage with them as teammates or opponents, or hog the playing field.<sup>8</sup> The push for more equitable investment in women's and girls' sports arose out of a need to "compensate for generations of stereotypes" and allow "women [to] be able to develop full potential of their skills."<sup>9</sup> HB 63's exclusive focus on competitive advantage—which is also not borne out in the data drawn from Maryland's decade-long experience with inclusive athletics policies—misapprehends the purpose of women's and girls' sports to the detriment of greater athletic opportunity for all students.

## **2. Exclusionary sports policies encourage gender policing of student activities, opening the door to inappropriate inquiries, further harassment of women and girls in school sports, and even sex testing.**

HB 63 not only limits participation by transgender students but also subjects all women and girls to increased scrutiny and policing of their gender. If a woman or girl does not meet stereotyped ideals of femininity because of her performance, appearance, or presentation, she may be deemed "biologically suspect." Complaints from competitors, parents, or even members of the public may put schools and athletic associations in the role of evaluating a student's sex, including through intrusive inquiries or invasive physical exams. As a result, HB 63's emphasis on policing athlete's gender would create a more hostile climate for women and girls in sports.

Gender policing of cisgender girls has already increased in states that have passed similar sports policies. In Utah, a state commission secretly investigated a cisgender high-school girl's gender after parents complained when she defeated two girls on another team. The commission acknowledged the complaint was part of an effort to investigate girls who "don't look feminine enough."<sup>10</sup> In another instance, a different cisgender girl playing high school basketball in Utah faced threats and doxxing requiring police protection after a state official questioned her gender on social media because of her body type.<sup>11</sup> Across the country, cisgender women and girls have also reported being confronted in public settings about their gender—sometimes having to resort to drastic measures, like exposing their clothed breasts, to deescalate the harassment that they are facing for not conforming to sex stereotypes.<sup>12</sup>

Harassment and gender policing has a disproportionate impact on Black and brown women and girls, in part because expectations of femininity have historically been

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<sup>8</sup> See Nicole Zarrett, Cheryl Cooky, & Philip Veliz, *Coaching through a Gender Lens: Maximizing Girls' Play and Potential* 1, 7 (2019).

<sup>9</sup> *Sex Discrimination Regulations*, *supra* n.1, at 179 (statement of Sen. Bayh).

<sup>10</sup> Rick Egan, Utah parents complained a high school athlete might be transgender after she beat their daughters, *Salt Lake Tribune* (Aug. 17, 2022), <https://perma.cc/D2KE-BWYC>.

<sup>11</sup> Courtney Tanner, Utah's governor, lieutenant governor say school board member Natalie Cline has 'embarrassed the state', *Salt Lake Tribune* (Feb. 8, 2024), <https://perma.cc/X39J-WYXF>.

<sup>12</sup> See Ryan Adamczeski, Lesbian teen cornered by server in bathroom and forced to prove gender files charges, *Advocate* (Aug. 13, 2025), <https://www.advocate.com/news/minnesota-cisgender-girl-restaurant-bathroom>.

set through a racial lens, with idealized *white* femininity setting the standard by which female gender conformity is measured.<sup>13</sup> Women and girls of color are thus especially likely to be seen as departing from this standard and to be penalized for it—regardless of achievement or level of competition. For example, Serena Williams has endured significant discrimination and scrutiny of her body, including claims that “[s]he was built like a man” and “[she] was born a guy, all because of [her] arms, or because [she’s] strong.”<sup>14</sup>

The gender policing required and encouraged by HB 63 may also result in schools or athletic associations deciding to require sex testing—either for students under “suspicion” regardless of their gender identity, or for all students as a condition of participation in school sports. These humiliating “tests”—ranging from documenting reproductive or menstrual history, chromosomal or hormonal testing, and genital inspections—have historically and continue to be weaponized against women and girls who do not meet stereotyped ideals of femininity to force them to “prove” they are “truly” women. Although historic and more recent instances of sex testing are associated with professional athletics,<sup>15</sup> sex testing or screening has been encouraged by opponents of transgender inclusion even in school contexts—with Idaho’s sports policy including a sex-testing provision that allows invasive medical examinations of any student whose gender has been challenged<sup>16</sup> and the Texas Attorney General even suing the NCAA to demand sex screening of all student athletes.<sup>17</sup>

## Conclusion

Maryland has the advantage of experience: more than a decade of inclusive policies contrasted with the harms seen in states like Utah that have implemented exclusionary policies like HB 63. Advancing this bill will only serve to increase hostile athletic environments through increased stereotyping, harassment, and gender policing of all women and girls—cisgender and transgender alike. NWLCAF urges the Committee to reject this bill. If the Committee has any questions about this testimony, please contact Brian Dittmeier, NWLCAF’s Director of LGBTQI+ Equality, at [bdittmeier@nwlc.org](mailto:bdittmeier@nwlc.org).

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<sup>13</sup> Deborah L. Brake, Title IX’s Trans Panic, 29 William & Mary J. of Race, Gender, and Soc. Just. 41, 89 (2023).

<sup>14</sup> Gina Vivinetto, Serena Williams on How She Struggles With Cruel Remarks About Her Body, Today (Sept. 7, 2017), <https://perma.cc/7GXE-S76E>; Jason Pham, Serena Williams Shut Down Body Critics: ‘I Am Strong and Muscular - and Beautiful’, Bus. Insider (May 31, 2018), <https://perma.cc/9QPD-GLTJ>.

<sup>15</sup> Vanessa Heggie, Testing sex and gender in sports; reinventing, reimagining, and reconstructing histories, 34 Endeavour 157, 159 (Dec. 2010), <https://perma.cc/HU3S-AU8U> (detailing how, in the 1960s, the International Olympic Committee required women athletes to walk naked in front of a panel of three women doctors to prove they were women); Ruth Padawer, The Humiliating Practice of Sex-Testing Female Athletes, N.Y. Times (June 28, 2016), <https://perma.cc/Q2MEJRZ5> (detailing the invasive tests faced by professional athletes like Indian sprinter Dutee Chand and South African runner Caster Semenya due to their muscular physiques).

<sup>16</sup> Idaho Code § 33-6203.

<sup>17</sup> Orion Rummler, Texas wants the NCAA to start “sex-screening” its student athletes, The Texas Tribune (Feb. 25, 2025), <https://www.texastribune.org/2025/02/25/texas-ken-paxton-ncaa-lawsuit/>.