

**HOUSE COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO. H. 502, Redraft
TITLE: An Act relative to gender identity
SPONSOR: Rep. Carl Sciortino

CURRENT LAW: Under the current law, race, color, religious creed, national origin, sex, sexual orientation, age, genetic information and ancestry are listed as protected classes.

SECTION BY SECTION SUMMARY:

Section 1. This section inserts a definition for “*gender identity*” into the General Laws. “Gender identity” means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, as part of a person's core identity; provided however, gender-related identity shall not be asserted for any improper purpose.

Section 2 and 8. These sections insert gender identity into the hate crime statute and encompassing crimes within the statute, specifically assault and battery for the purpose of intimidation.

Sections 3, 4 and 5. These sections prohibit discrimination based on gender identity in the admission or enrollment of a student in a charter school or public school, respectively.

Section 6. This section requires the Massachusetts Commission Against Discrimination (MCAD) to: (1) receive, investigate and pass on complaints alleging discrimination based on gender identity, and (2) publish results, or judgments.

Section 7. This section prohibits the discrimination of a person based on gender identity in the following areas:

- Employment and employment advertising;
- Bonds & Insurance;
- Mortgage loans & residential real estate transactions;
- Housing – including public housing, multiple dwelling units, contiguously located housing, condos, housing cooperatives, other covered housing, land intended for housing, advertising relative to housing;
- Commercial space; and
- Credit – including the disclosure of all surnames during the credit application process and for any legally required purpose, generally.

Section 9. This law would take effect on July 1, 2012.