

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO. H 502

TITLE: An act relative to transgender equal rights

SPONSOR: Rep. Sciortino

HEARING DATE: June 8, 2011

PRIOR HISTORY: Re-file of H 1722 (07), 1728 (09)

CURRENT LAW: N/A

SUMMARY: This legislation would add explicit language:- “gender identity or expression” to several areas of the Massachusetts General Laws and specifically to our hate crimes, employment, housing, credit, public accommodations, and public non-discrimination laws.

Gender identity or expression shall be defined as “a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual’s physiology or assigned sex at birth.”

This legislation adds “gender identity or expression” to the definition of a hate crime under Chapter 22C section 32, and also to the crime of Assault and Battery for the purpose of intimidation under Chapter 265 section 39.

In addition, this language is added to several sections of the general laws to make transgendered people a protected class under Chapter 151B section 1, and also applies to the application for approval for charter schools under Chapter 71 section 89; a person’s right to attend public schools under Chapter 76 sections 5 & 12B and; a school committee’s process for accepting non-resident students under Chapter 76 section 12B.

In regards to public accommodation laws (Chapter 272 sections 92A & 98), this legislation protects a person’s gender identity or expression from being discriminated against at any public accommodation, resort, or amusement (i.e. hotel, carrier, restaurant, restroom, theatre, etc.

Furthermore, all otherwise lawfully sex-segregated facilities, accommodations, resorts and amusements shall grant persons admission to and the full enjoyment of such facilities, accommodations, resorts and amusements consistent with their gender identity or expression.

This legislation also creates an advisory board to the Massachusetts Commission Against Discrimination, and creates a Commission on gay, lesbian, bisexual and transgender youth.

If any provision of this Act is deemed invalid or unconstitutional, such a determination will not affect the validity of any other provision of this Act.