SENATE DOCKET, NO. 536 FILED ON: 1/19/2011

SENATE . . . . . No. 764

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin B. Downing

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to transgender equal rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Benjamin B. Downing	*Berkshire, Hampshire, and Franklin*
Sonia Chang-Diaz	☐ *[District]* ☐
Carl M. Sciortino, Jr.	*34th Middlesex*
Katherine M. Clark	*Middlesex and Essex*
James B. Eldridge	☐ *[District]* ☐
Stanley C. Rosenberg	*Hampshire and Franklin*
Susan C. Fargo	☐ *[District]* ☐
Cynthia S. Creem	☐ *[District]* ☐
Kenneth J. Donnelly	☐ *[District]*

	☐
Patricia D. Jehlen	☐ *[District]* ☐
Daniel A. Wolf	☐ *[District]* ☐
Thomas M. McGee	*Third Essex and Middlesex*
Harriette L. Chandler	☐ *[District]* ☐
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*
Anthony W. Petruccelli	☐ *[District]* ☐
Eileen M. Donoghue	☐ *[District]* ☐
Karen E. Spilka	☐ *[District]* ☐
Denise Provost	*27th Middlesex*
Alice Hanlon Peisch	*14th Norfolk*
Ellen Story	*3rd Hampshire*
Carlos Henriquez	*5th Suffolk*

SENATE DOCKET, NO. 536 FILED ON: 1/19/2011

SENATE . . . . . No. 764

By Mr. Downing, a petition (accompanied by bill, Senate, No. 764) of Benjamin B. Downing, Sonia Chang-Diaz, Carl M. Sciortino, Jr., Katherine M. Clark and other members of the General Court for legislation relative to equal rights of transgendered individuals. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1687* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to transgender equal rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 67 of chapter 3 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the words "commission on gay and lesbian youth", in lines 1 and 2, and inserting in place thereof the following words:- commission on gay, lesbian, bisexual, and transgender youth.

SECTION 2. Said section 67 of said chapter 3, as so appearing, is hereby further amended by striking out the words "parent of a gay or lesbian person", in line 16, and inserting in place thereof the following words:- parent of a gay, lesbian, bisexual, or transgender person.

SECTION 3. Said section 67 of said chapter 3, as so appearing, is hereby further amended by inserting after the words "sexual-orientation", in lines 19 and 20, the following words:- gender identity or expression.

SECTION 4. Said section 67 of said chapter 3, as so appearing, is hereby further amended by striking out the words "gay and lesbian organizations", in lines 29 and 30, and inserting in place thereof the following words:- gay, lesbian, bisexual, and transgender organizations.

SECTION 5. Section 67 of said chapter 3, as so appearing, is hereby further amended by striking out the words “gay and lesbian,” in lines 45, 50, 52, and 56, and inserting in place thereof in each instance the following words:- gay, lesbian, bisexual, and transgender.

SECTION 6. Section 56 of chapter 6 of the General Laws, as so appearing, is hereby amended by inserting after the word “women”, in line 44, the following words:- ; people of diverse gender identities or expressions.

SECTION 7. Section 32 of chapter 22C of the General Laws, as so appearing, is hereby amended by inserting after the word “gender”, in line 12, the following words:- , gender identity or expression.

SECTION 8. Section 89 of chapter 71 of the General Laws, as so appearing, is hereby amended by inserting in each instance after the word “sex”, in lines 53 and 143, the following words:- , gender identity or expression.

SECTION 9. Section 5 of chapter 76 of the General Laws, as so appearing, is hereby amended by inserting after the word “sex”, in line 10, the following words:- , gender identity or expression.

SECTION 10. Section 12B of said chapter 76, as so appearing, is hereby amended by inserting after the word “sex”, in line 185, the following words:- , gender identity or expression.

SECTION 11. Section 1 of chapter 151B of the General Laws, as so appearing, is hereby amended by inserting after subsection 23 the following subsection:

24. The term “gender identity or expression” shall mean a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual’s physiology or assigned sex at birth.

SECTION 12. Section 3 of said chapter 151B, as so appearing, is hereby amended by inserting in each instance after the word “sex”, in lines 17 and 61, the following words:- , gender identity or expression.

SECTION 13. Said section 3 of said chapter 151B, as so appearing, is hereby amended by inserting after the word “women”, in line 53, the following words:- ; people of diverse gender identities or expressions.

SECTION 14. Section 4 of said chapter 151B, as so appearing, is hereby amended by inserting in each instance after the word “sex”, in lines 3, 69, 82, 87, 96, 103, 136, 163, 169, 179, 226, 233, 243, 339, 349, 353, 359, 474, 484, 494, 650 and 659 the following words:- , gender identity or expression.

47 SECTION 15. Section 39 of chapter 265 of the General Laws, as so appearing, is hereby
48 amended by inserting after the words “sexual orientation”, in line 4, the following words:- ,
49 gender identity or expression.

50 SECTION 16. Said section 39 of said chapter 265, as so appearing, is hereby further
51 amended by adding the following sentence at the end of subsection (a):-

52 For the purposes of this section, the term “gender identity or expression” shall have the
53 same meaning as that term is defined in subsection 24 of section one of chapter one hundred and
54 fifty-one B.

55 SECTION 17. Section 92A of chapter 272 of the General Laws, as so appearing, is
56 hereby amended by inserting after the word “sex”, in line 9, the following words:- , gender
57 identity or expression.

58 SECTION 18. Said section 92A of said chapter 272, as so appearing, is hereby further
59 amended by inserting the following sentence at the end of the second paragraph:-

60 Notwithstanding the provisions of this section or any other special or general law to the
61 contrary, all otherwise lawfully sex-segregated facilities, accommodations, resorts and
62 amusements shall grant persons admission to and the full enjoyment of such facilities,
63 accommodations, resorts and amusements consistent with their gender identity or expression.

64 SECTION 19. Section 98 of said chapter 272, as so appearing, is hereby amended by
65 inserting after the word “sex”, in line 2, the following words:- , gender identity or expression.

66 SECTION 20. If any provision of this Act is deemed invalid or unconstitutional, such a
67 determination will not affect the validity of any other provision of this Act.