

HOUSE No. 4253

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 2, 2016.

The committee on the Judiciary to whom was referred the petition (accompanied by bill, House, No. 1577) of Byron Rushing and others relative to gender identity and access to public accommodations, reports recommending that the accompanying bill (House, No. 4253) ought to pass.

For the committee,

JOHN V. FERNANDES.

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to gender identity and nondiscrimination.

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

1 SECTION 1. Section 92A of chapter 272 of the General Laws, as so appearing, is hereby
2 amended by inserting after the word “sex”, in line 9, the following words:- , gender identity.

3 SECTION 2. Said section 92A of said chapter 272, as so appearing, is hereby further
4 amended by inserting the following sentence at the end of the second paragraph:-

5 Any public accommodation including without limitation any entity that offers the
6 provision of goods, services, or access to the public that lawfully segregates or separates access
7 to such public accommodation or other entity based on a person’s sex shall grant all persons
8 admission to and the full enjoyment of such public accommodation or other entity consistent
9 with the person’s gender identity.

10 SECTION 3. Section 98 of said chapter 272, as so appearing, is hereby amended by
11 inserting after the word “sex”, in line 2, the following words:- , gender identity.

12 SECTION 4. The term gender identity as used herein shall have the meaning as set forth
13 in clause 59, Section 7 of chapter 4 of the General Laws.

14 SECTION 5. The Massachusetts Commission Against Discrimination, established by
15 section fifty-six of chapter six, shall adopt, promulgate, amend, and rescind rules and regulations
16 or formulate policies and make recommendations to effectuate the purposes of this Act,
17 including when and how gender identity, as defined in clause 59, Section 7 of chapter 4 of the
18 General Laws, may be evidenced. The Attorney General's Office shall issue regulations or
19 guidance for referring to the appropriate law enforcement agency or other authority for legal
20 action any person who asserts gender identity for an improper purpose, as defined in clause 59,
21 Section 7 of chapter 4.

22 SECTION 6. This Act shall take effect on January 1, 2017.