

SENATE No. 2407

The Commonwealth of Massachusetts

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

SENATE, July 6, 2016

Report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments to the Senate Bill relative to transgender anti-discrimination (Senate, No. 735, amended) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4343, amended and by striking out the emergency preamble),-- reports, a “Bill relative to transgender anti-discrimination.” (Senate, No. 2407).

For the Committee:

William N. Brownsberger	John V. Fernandes
Sonia Chang-Díaz	Sarah K. Peake
Bruce E. Tarr	Sheila C. Harrington

The Commonwealth of Massachusetts

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

An Act relative to transgender anti-discrimination.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for protection from discrimination on the basis of gender identity, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 appearing in the 2014
2 Official Edition, is hereby amended by inserting after the word “sex”, in line 9, the following
3 words:- , gender identity.

4 SECTION 2. The second paragraph of said section 92A of said chapter 272, as so
5 appearing, is hereby further amended by adding the following sentence:-

6 An owner, lessee, proprietor, manager, superintendent, agent or employee of any place of
7 public accommodation, resort or amusement that lawfully segregates or separates access to such
8 place of public accommodation, or a portion of such place of public accommodation, based on a
9 person’s sex shall grant all persons admission to, and the full enjoyment of, such place of public
10 accommodation or portion thereof consistent with the person’s gender identity.

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

13 SECTION 4. (a) The Massachusetts Commission Against Discrimination shall adopt,
14 promulgate, amend and rescind rules and regulations or formulate policies and make
15 recommendations to effectuate the purposes of this act, including when and how gender identity,
16 as defined in clause Fifty-ninth of section 7 of chapter 4 of the General Laws, may be evidenced.

17 (b) The attorney general's office shall issue regulations or guidance for referring to
18 appropriate law enforcement agency or other appropriate authority for legal action any person
19 whose assertion of a gender identity is for an improper purpose, as provided in clause Fifty-ninth
20 of section 7 of chapter 4.

21 (c) The Massachusetts Commission Against Discrimination and the attorney general's
22 office shall report such rules, regulations, policies, recommendations or guidance to the clerks of
23 the house of representatives and the senate not later than September 1, 2016.

24 SECTION 5. Sections 2 and 3 shall take effect on October 1, 2016.