SENATE . . . . . No. 2203

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

SENATE, April 18, 2019

The committee on Ways and Means to whom was referred the Senate Bill relative to gender identity on Massachusetts identification (Senate, No. 2192),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2203).

For the committee,
Michael J. Rodrigues

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An Act relative to gender identity on Massachusetts identification.

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 13 of chapter 46 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e) A person who is over the age of 18 or who is an emancipated minor, or the parent or guardian of a person who is a minor, may request a change in the sex designation on the person's birth record to a sex designation including, but not limited to, "female", "male" or "X." An "X" designation may indicate that the person is non-binary, intersex, undesignated or of another gender. A request for a change in the sex designation on a birth record shall be accompanied by an affidavit executed under the penalty of perjury by the person to whom the record relates, or by the parent or guardian of the person if the person is a minor, attesting that the request is to conform to the person's gender identity and is not made for any fraudulent purpose; provided, however, that no medical or health-care related documentation, court order or proof of change of name shall be required by a town clerk or other official in connection with a request under this

subsection. The department of public health may promulgate regulations to implement this subsection.

SECTION 2. Chapter 90 of the General Laws is hereby amended by inserting after section 8M the following section:-

Section 8N. The registry of motor vehicles shall permit a person submitting an application under sections 8, 8B or 8E of this chapter or section 34B of chapter 138 to designate "X" for gender in lieu of "male" or "female" on an application for a driver's license, learner's permit, identification card or liquor purchase identification card. No documentation shall be required for such a designation.

The registrar of motor vehicles may promulgate regulations to implement this section. The regulations may allow a person submitting an application under said sections 8, 8B or 8E of this chapter or said section 34B of said chapter 138 to designate an alternative designation for gender in lieu of "X", "male" or "female" if the alternative designation appropriately reflects the gender identity of the applicant.

SECTION 3. Section 1 shall take effect on January 1, 2020.