

SENATE No. 1044

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 adoption of the accompanying bill:

An Act prohibiting injurious operations or offering services or products that discriminate against or injure protected classes.

PETITION OF:

NAME:

Paul W. Mark

DISTRICT/ADDRESS:

Berkshire, Hampden, Franklin and Hampshire

SENATE No. 1044

By Mr. Mark, a petition (accompanied by bill, Senate, No. 1044) of Paul W. Mark for legislation to prohibit injurious operations or offering services or products that discriminate against or injure protected classes. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act prohibiting injurious operations or offering services or products that discriminate against or injure protected classes.

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. The first sentence of the second paragraph of section 92A of chapter 272 is
2 hereby amended by inserting after word “place”, the following words:- or business,

3 SECTION 2. The first sentence of the second paragraph of section 92A of chapter 272 is
4 hereby amended by inserting after words “patronage of”, the following words:- or offers
5 products or services to.

6 SECTION 3. Chapter 272 Section 98 of the General Laws is hereby amended to read as
7 follows:

8 Whoever makes any distinction, discrimination or restriction on account of race, color,
9 religious creed, national origin, sex, gender identity, sexual orientation, which shall not include
10 persons whose sexual orientation involves minor children as the sex object, deafness, blindness
11 or any physical or mental disability or ancestry relative to the admission of or whose operations,

12 products or services result in a discriminatory or physically injurious effect on any protected
13 person to, or his treatment by or in any place of public accommodation, resort or amusement, as
14 defined in section ninety-two A, or whoever aids or incites such distinction, discrimination,
15 treatment, physically injurious effect or restriction, whether or not the aggrieved protected party
16 seeks access to the patronage, products or services offered by the place of accommodation, resort
17 or amusement, shall be punished by a fine of not more than twenty-five hundred dollars or by
18 imprisonment for not more than one year, or both, and shall be liable to any person aggrieved
19 thereby for such damages as are enumerated in section five of chapter one hundred and fifty-one
20 B; provided, however, that such civil forfeiture shall be of an amount not less than three hundred
21 dollars; but such person so aggrieved shall not recover against more than one person by reason of
22 any one act of distinction, discrimination or restriction. All persons shall have the right to the full
23 and equal accommodations, advantages, facilities and privileges and the right to not be
24 physically injured by the operations, products or services of any place of public accommodation,
25 resort or amusement whether or not the aggrieved protected party seeks access to the patronage,
26 products or services offered by the place of accommodation, resort or amusement, subject only to
27 the conditions and limitations established by law and applicable to all persons. This right is
28 recognized and declared to be a civil right.