

SENATE No. 2425

The Commonwealth of Massachusetts

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

SENATE, July 24, 2023.

The committee on Senate Ways and Means, to whom was referred the Senate Bill relative to gender identity on Massachusetts identification (Senate, No. 2207),- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2425).

For the committee,
Michael J. Rodrigues

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

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:

1 SECTION 1. Section 13 of chapter 46 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out subsection (e) and inserting in place thereof
3 the following subsection:-

4 (e) (1) A person who is over the age of 18 or who is an emancipated minor, or the parent
5 or guardian of a person who is a minor, may request a change in the sex designation on the
6 person’s birth record to a sex designation including, but not limited to, “female”, “male” or “X”.
7 An “X” designation may indicate that the person is another gender or an undesignated gender. A
8 request for a change in the sex designation on a birth record shall be accompanied by an affidavit
9 executed under the penalty of perjury by the person to whom the record relates, or by the parent
10 or guardian of the person if the person is a minor, attesting that the request is to conform to the
11 person’s gender identity and is not made for any fraudulent purpose; provided, however, that no
12 medical or healthcare related documentation, court order or proof of change of name shall be
13 required by a town clerk or other official in connection with a request under this paragraph.

14 (2) A person who is over the age of 18 or who is an emancipated minor, or the parent or
15 guardian of a person who is a minor, who requests a change in, or who has previously changed,
16 the sex designation on the person's birth record pursuant to paragraph (1) may request a change
17 of name on the person's birth record. A request for a change of name on a birth record shall be
18 accompanied by a certified copy of the legal change of name; provided, however, that no
19 medical or healthcare related documentation shall be required by a town clerk or other official in
20 connection with a request under this paragraph.

21 (3) A person who is over the age of 18 or who is an emancipated minor, or the parent or
22 guardian of a person who is a minor, who has changed the sex designation on the person's birth
23 record pursuant to paragraph (1) but did not request a change of name on the person's birth
24 record pursuant to paragraph (2) may request a change of name on the person's birth record
25 within 3 years from the date of the change in the sex designation on the person's birth record
26 pursuant to said paragraph (1); provided, however, that a person whose sex designation on their
27 birth record was changed while the person was a minor shall have 3 years from the date of their
28 eighteenth birthday to request a change of name on the person's birth record. A request for a
29 change of name on a birth record shall be accompanied by a certified copy of the legal change of
30 name; provided, however, that no medical or healthcare related documentation shall be required
31 by a town clerk or other official in connection with a request under this paragraph.

32 (4) The department of public health may promulgate regulations to implement this
33 subsection.

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

36 Section 8N. The registry of motor vehicles shall permit a person submitting an
37 application under sections 8, 8B or 8E of this chapter or section 34B of chapter 138 to designate
38 “X”, “M” or “F” for gender on an application for a driver’s license, learner’s permit,
39 identification card or liquor purchase identification card. No documentation shall be required for
40 such a designation.

41 The registrar of motor vehicles shall report annually to the chairs of the joint committee
42 on transportation on the number of people, indicated by race and ethnicity, who choose an “X”
43 designation on their driver’s license, learner’s permit, identification card or liquor purchase
44 identification card; provided, however, that data included in the report shall be de-identified so
45 that the identification of an individual person cannot be ascertained.

46 The registrar of motor vehicles may promulgate regulations to implement this section.

47 SECTION 3. The secretary of administration and finance shall develop a plan, including
48 estimated costs and a proposed timeline for implementation, to ensure that any state form or
49 document issued by a state agency that requires an individual to indicate the individual’s gender
50 shall provide an opportunity for the individual to choose a gender option other than male or
51 female; provided, however, that the secretary shall ensure that such a form or document complies
52 with applicable federal rules and regulations. The secretary shall submit the plan to the clerks of
53 the senate and house of representatives and the senate and house committees on ways and means
54 not later than January 1, 2025.

55 SECTION 4. Not later than 6 months after the effective date of this act, the registry of
56 motor vehicles, the state secretary and any state agency that interacts with youth or young adults
57 in their care or provides youth or young adults with legal assistance, including, but not limited to,

58 the department of children and families, the department of youth services, the department of
59 mental health and the committee for public counsel services, shall develop materials for
60 dissemination to inform youth and young adults of the options regarding sex and gender
61 designations on state forms and documents pursuant to this act and develop processes to assist
62 youth and young adults who wish to change their gender designation.

63 SECTION 5. Section 1 shall take effect on July 1, 2024.