

SENATE No. 2207

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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 relative to gender identity on Massachusetts identification.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/27/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>1/29/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/31/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/31/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/9/2023</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/22/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/23/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/2/2023</i>

SENATE No. 2207

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 2207) of Joanne M. Comerford, Mindy Domb, Jacob R. Oliveira, Jason M. Lewis and other members of the General Court for legislation relative to gender identity on Massachusetts identification. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2282 OF 2021-2022.]

The Commonwealth of Massachusetts

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 is hereby amended by striking
2 out subsection (e) and inserting in place thereof the following subsection:-

3 (e) (1) A person who is over the age of 18 or who is an emancipated minor, or the parent
4 or guardian of a person who is a minor, may request a change in the sex designation on the
5 person's birth record to a sex designation including, but not limited to, "female", "male" or "X."
6 An "X" designation may indicate that the person is another gender or an undesignated gender. A
7 request for a change in the sex designation on a birth record shall be accompanied by an affidavit
8 executed under the penalty of perjury by the person to whom the record relates, or by the parent
9 or guardian of the person if the person is a minor, attesting that the request is to conform to the
10 person's gender identity and is not made for any fraudulent purpose; provided, however, that no

11 medical or health-care related documentation, court order or proof of change of name shall be
12 required by a town clerk or other official in connection with a request under this paragraph.

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

19 (3) The department of public health may promulgate regulations to implement this
20 subsection.

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

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

28 The registrar of motor vehicles may promulgate regulations to implement this section.
29 The registrar shall report annually on the number of people, indicated by race and ethnicity, who
30 choose an "X" designation on their driver's license, learner's permit, identification card or liquor
31 purchase identification card. No data shall be reported that permits the identification of an
32 individual person.

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

SECTION 4. Agencies of the commonwealth shall take affirmative steps to inform youth and young adults of their options regarding sex and gender designations on state documents, including the "X" designation. The registry of motor vehicles, the secretary of state, and all state agencies that interact with youth or young adults in their care or provide them with legal assistance, including, but not limited to, the department of children and families, the department of youth services, the department of mental health, the committee for public counsel services and their child and family law division, shall develop and disseminate materials to inform youth and young adults of the provisions of this act, and develop processes to assist youth and young adults who wish to change their gender designation.

SECTION 5. Any person who experiences discrimination, threats, intimidation or coercion, or an attempt to discriminate, threaten, intimidate or coerce, on the basis of the gender indicated on state documents, including a person's driver's license, learner's permit, identification card or liquor purchase identification card, may contact the civil rights division of the attorney general for investigation under section 11H of chapter 12 of the General Laws or any other applicable law.

56 SECTION 6. Section 1 shall take effect on July 1, 2024. Materials to be developed under
57 section 4 shall be completed no later than 6 months after the effective date of this act.