SENATE DOCKET, NO. 2022 FILED ON: 1/17/2025

SENATE . . . . . No. 1175

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:	DISTRICT/ADDRESS:
Paul W. Mark	*Berkshire, Hampden, Franklin and Hampshire*

SENATE DOCKET, NO. 2022 FILED ON: 1/17/2025

SENATE . . . . . No. 1175

By Mr. Mark, a petition (accompanied by bill, Senate, No. 1175) of Paul W. Mark for legislation to prohibit injurious operations or offering services or products that discriminate against or injure protected classes. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1044* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

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:

SECTION 1. The first sentence of the second paragraph of section 92A of chapter 272 of the General Laws as appearing in the 2022 Official Edition is hereby amended by inserting after word “place”, the following words:- or business,

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

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

Whoever makes any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, deafness, blindness or any physical or mental disability or ancestry relative to the admission of or whose operations, products or services result in a discriminatory or physically injurious effect on any protected person to, or his treatment by or in any place of public accommodation, resort or amusement, as defined in section ninety-two A, or whoever aids or incites such distinction, discrimination, treatment, physically injurious effect or restriction, whether or not the aggrieved protected party seeks access to the patronage, products or services offered by the place of accommodation, resort or amusement, shall be punished by a fine of not more than twenty-five hundred dollars or by imprisonment for not more than one year, or both, and shall be liable to any person aggrieved thereby for such damages as are enumerated in section five of chapter one hundred and fifty-one B; provided, however, that such civil forfeiture shall be of an amount not less than three hundred dollars; but such person so aggrieved shall not recover against more than one person by reason of any one act of distinction, discrimination or restriction. All persons shall have the right to the full and equal accommodations, advantages, facilities and privileges and the right to not be physically injured by the operations, products or services of any place of public accommodation, resort or amusement whether or not the aggrieved protected party seeks access to the patronage, products or services offered by the place of accommodation, resort or amusement, subject only to the conditions and limitations established by law and applicable to all persons. This right is recognized and declared to be a civil right.