

House Bill #4253 (An Act Relative to Transgender Anti-Discrimination)

## BACKGROUND ON PUBLIC ACCOMMODATIONS

### 2011

In 2011, the Massachusetts Transgender Equal Rights Coalition successfully advocated for a bill that would provide legal protections to transgender and gender non-conforming people in the areas of credit, housing, employment and public education. However, the legislation excluded protections in public accommodations, or spaces open to the public.

### 2015

An Act Relative to Transgender Anti-Discrimination would add “gender identity” to existing Massachusetts civil rights law for public accommodations, which currently prohibits discrimination on the basis of age, race, creed, color, national origin, sexual orientation, sex, religion and marital status.

#### LEGAL DEFINITION OF GENDER IDENTITY:

*Gender identity is, “a person’s gender-related identity, appearance or behavior...sincerely held as part of a person’s core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.*

## HOW DO WE KNOW THIS WILL WORK?

In 2012, the Department of Secondary and Elementary Education issued guidance to public schools with suggested best practices for the treatment of transgender and gender non-conforming students. These guidelines ensure that transgender students may use sex-segregated facilities consistent with their gender identity. There have been no issues with implementation.

### PUBLIC ACCOMMODATIONS ARE....

...any place we are when not at home, work or school. This includes, but is not limited to:



Retail Stores



Public Parks



Hotels



Public Transportation



Restaurants



Medical Offices



Malls



Theatres

## WILL MASSACHUSETTS BE THE FIRST?

Across the nation, 18 states, Washington D.C., and more than 200 cities and towns have passed non-discrimination laws protecting gender identity in public spaces.

### STATES WITH LAWS PROTECTING GENDER IDENTITY

California  
Colorado  
Connecticut  
Delaware  
Hawaii

Illinois  
Iowa  
Maine  
Maryland  
Minnesota

Nevada  
New Jersey  
New Mexico  
New York  
Oregon

Rhode Island  
Vermont  
Washington

# HOW WILL THIS LAW BE IMPLEMENTED?

## THE LAW WILL REQUIRE:

- Equal treatment for transgender and gender non-conforming patrons
- That businesses not refuse service to transgender patrons

## THE LAW WILL NOT REQUIRE:

- New construction of restrooms or other sex-segregated facilities
- Changes to criminal laws relating to assault or predatory behaviors

## WHY WE NEED THIS LAW

Treating others the way we'd like to be treated is at the foundation of our society. We all deserve to be treated fairly and equally under the law. But right now in Massachusetts, it's perfectly legal for a transgender person to be turned away from a hotel or denied service at a restaurant – simply because of who they are.<sup>1</sup>

A 2014 survey of transgender people in Massachusetts found that 65% of respondents living in Massachusetts reported experiencing discrimination in an area of public accommodation.<sup>1</sup>

That's not who we are, but we can fix this by passing a commonsense bill that protects our transgender friends and neighbors from unwarranted discrimination.

<sup>1</sup>Source: *Discrimination and Health in Massachusetts: A Statewide Survey of Transgender and Gender Non-Conforming Adults (July 2014)*.

## THE ECONOMIC CASE

Not only is it the right thing to do, but it makes good business sense. That's why Harvard Pilgrim Health Care, Google and Eastern Bank all support Freedom Massachusetts. Those businesses understand that when communities are welcoming places for everyone to live, work and raise families, businesses, succeed as well.



These aren't the only businesses that make fairness and equality for all a priority. In fact, businesses are usually on the leading edge of efforts to secure protections for LGBT people. So it's no surprise that nearly 70 percent of the nation's leading Fortune 500 companies have nondiscrimination policies in place that explicitly cover gender identity, according to the Human Rights Campaign's Corporate Equality Index.



## WHY THIS MATTERS

A 2014 study found that transgender people who reported experiencing discrimination are 84 percent more likely to experience adverse physical effects, and 99 percent more likely to experience emotional effects – like frustration, anger and sadness.

It's a vicious cycle – the same study reported that discrimination in public places increases the likelihood that transgender people won't seek the medical care and treatment they need for health problems.

**The Bottom Line:** Ultimately, it's about the kind of state we want to live in. None of us would want to face discrimination when it comes to being served by a business or government office – that's why we need to fix our law so we can extend these commonsense protections to transgender Bay Staters and visitors.

*Freedom Massachusetts is the bipartisan campaign working to ensure all people are treated fairly and equally under the law. Right now, state law doesn't protect transgender Bay Staters from discrimination in the places we all are when we're not at home, work or school. Freedom Massachusetts is bringing together all of the diverse voices who support these protections, from Republicans and Democrats to some of the region's most recognized brand names. Together, our collective voice will send a powerful message that it's time to update our law.*

For more information, contact Mason Dunn at [617-778-0519 \(x6\)](tel:617-778-0519) or email [mason@freedommassachusetts.org](mailto:mason@freedommassachusetts.org).