



# THE TRUTH ABOUT H.1728/S.1687

“An Act Relative to Gender-Based  
Discrimination and Hate Crimes”

## IT'S A CIVIL RIGHTS BILL

H.1728/S.1687 updates Massachusetts non-discrimination and hate crimes laws to clearly and uniformly protect all people regardless of their gender identity or gender expression. This includes transgender people, who face extreme discrimination and violence due to widespread prejudice and assumptions that they are outside of the law's protections. Adding “gender identity or expression” to our hate crimes and employment, housing, credit, public accommodations and public education non-discrimination laws assures only that transgender individuals have equal protection under the law.

**Myth #1** “This bill cuts out protections for veterans & children.”

**TRUTH:** Nothing in this bill takes rights away from anyone.

This myth is based on a cut-and-paste error in the initial draft of one section of the bill. This error is being corrected. Supporters of this bill would never take away rights from anyone already protected by law.

**Myth #3** “This bill disrupts privacy in women's gym facilities.”

**TRUTH:** Nothing in this bill changes the legal exemption that allows women's gym facilities to exclude men.

Women's gyms would have to admit only those transgender women who can certify their gender via established Massachusetts medical protocol. Thirteen states plus the District of Columbia have comparable laws and report no problems with women's gym facilities being able to comply.

**Myth #5** “Transgender people have a mental defect.”

**TRUTH:** The diagnosis “gender identity disorder” requires that a person suffer “clinically significant distress.” Some transgender people experience such distress, many do not.

Much of that distress arises from discrimination, stigma and hate crimes, so to use that distress as a reason to deny transgender civil rights would be unjust - and a cruel irony.

**Myth #2** “This bill sanctions criminal conduct in bathrooms.”

**TRUTH:** Nothing in the bill diminishes any of our criminal laws. Transgender people also care about the safety of bathrooms. Anyone in bathrooms for criminal purposes can and should be fully prosecuted under existing laws.

Leading organizations dedicated to protecting women and children fully support this bill, including MassNOW, Jane Doe, Inc., MA Comm. on the Status of Women, MA Society for the Prevention of Cruelty to Children, Boston Area Rape Crisis Center, and many more.

**Myth #4** “This bill changes what we teach our children in schools.”

**TRUTH:** Nothing in this bill changes or addresses school curricula.

**Myth #6** “This bill forces religious people and institutions to compromise their faith.”

**TRUTH:** This bill doesn't alter the scope of existing religious exemptions.

The objection that non-discrimination laws will undermine faith-based practices has previously been raised against civil rights legislation. As a remedy, religious exemptions were created to protect faith-based practices while ensuring that people of faith running commercial enterprises (like hospitals) cannot pick and choose among customers. Those exemptions apply to this bill's protections.