

Transgender People & Public Accommodations

Background

This legislation would add “gender identity” to existing Massachusetts civil rights law for public accommodations, which currently prohibit discrimination on the basis of age, race, creed, color, national origin, sexual orientation, sex, religion and marital status. The Massachusetts public accommodation law defines a place of public accommodation as, “any place, whether licensed or unlicensed, which is open to and accepts or solicits the patronage of the general public.”

Seventeen states, Washington D.C., and approximately 225 cities and towns have passed non-discrimination laws protecting gender identity in public spaces. Twelve municipalities in Massachusetts have enacted local ordinances that protect gender identity in public spaces.

17 STATES!

California
Colorado
Connecticut
Delaware
Hawaii
Illinois
Iowa
Maine
Maryland
Minnesota
Nevada
New Jersey
New Mexico
Oregon
Rhode Island
Vermont
Washington

12 Mass. Cities & Towns!

Boston
Cambridge
Worcester
Amherst
Northampton
Salem
Swampscott
Brookline
Somerville
Newton
Medford
Melrose

What Are Public Accommodations?

A public accommodation is any place that is open to the public and provides goods or services. This includes museums, public transportation, coffee shops, hotels, and restaurants. Many employers based out of or operating in Massachusetts are places of public accommodation, including the MBTA, Starbucks, and hospitals. These businesses cannot discriminate in employment on the basis of gender identity, yet they could legally turn away a transgender customer.



What is Gender Identity?

As defined in the 2011 law, *An Act Relative to Gender Identity*:

“ ‘Gender identity’ shall mean a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, as part of a person’s core identity; provided however, gender-related identity shall not be asserted for any improper purpose. ”

Bill Information

Senate Bill #735:
An Act Relative to Transgender Anti-Discrimination

House Bill #1577:
An Act Relative to Gender Identity & Non-Discrimination

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