

WHY THIS LEGISLATION IS NECESSARY

The **exclusion** of transgender people from public accommodations protections in our non-discrimination law causes confusion for businesses.



We have to **deal with reality**. None of our opponents' fears around bathrooms/locker rooms have come to pass. But transgender people are being harassed, assaulted and thrown out of public places — including restrooms. This legislation **will not** allow people to simply masquerade as the opposite sex, go in a bathroom where they don't belong, and harass people.



This **bill is supported** by a number of local women's advocacy groups and anti-violence organizations, such as Jane Doe, Inc., MassNOW, the Boston Area Rape Crisis Center, and the Victims Rights Law Center.



Everyone in Massachusetts, including transgender residents of the Commonwealth, deserves **safety and privacy** when accessing public restrooms and other facilities.



The Transgender Equal Rights Coalition

Our coalition succeeded on November 16, 2011, in securing passage of An Act Relative to Transgender Equal Rights thanks to lead sponsors former Representative Carl Sciortino, Representative Byron Rushing and Senators Ben Downing, and Sonia Chiang-Diaz. This legislation has strengthened the Commonwealth's commitment to all people, including transgender people, having equal protection under the law and the chance to contribute to our communities and economy. The Transgender Equal Rights Coalition (TERC) continues to work towards passage of non-discrimination protections in public accommodations.

For more information on the coalition, or for questions about the legislation, please contact Mason Dunn at mason@masstpc.org or call 617-778-0519.



Testimony in Support of this Legislation



"...this bill does nothing to change existing laws in place to prosecute and punish individuals who engage in criminal conduct. As a prosecutor for more than 25

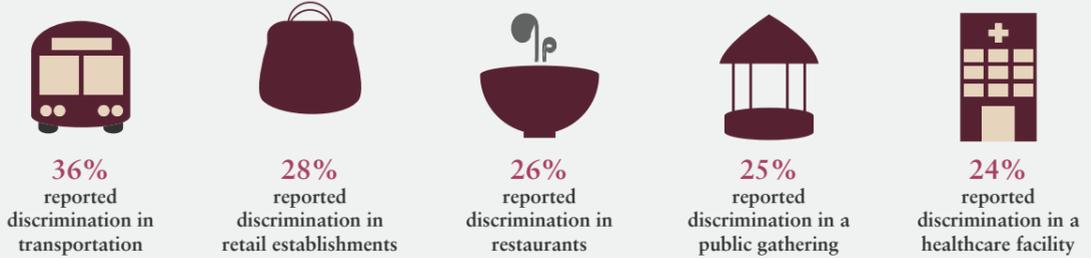
years, I can emphatically state that this bill only increases our ability to prosecute criminal conduct and protect the civil rights of all, and does nothing to restrict our ability to protect victims of any crimes. All people should be able to use restrooms and locker rooms in safety and with privacy, and that would remain the case under this new law. Allowing transgender people to use facilities that comport with their gender identity and how they live their lives is the safest and most workable approach and one that reduces further stigmatization... I note for the Committee that our office is unaware of a single instance where an individual has attempted to use this type of gender identity or expression protection as a defense to claims of criminal conduct or violation of privacy in any of the jurisdictions that have passed similar laws.... In short, I believe this legislation is the next step in our forward path of extending equal protections to all citizens and eradicating discrimination in our Commonwealth."

Former Massachusetts Attorney General Martha Coakley State House Hearing on Transgender Equal Access Bill June 2011

TRANSGENDER LIVES

IN MASSACHUSETTS

Studies indicate that a disproportionate number of transgender people frequently face discrimination and harassment in public spaces. A 2014 study reported that **65%** of respondents experienced discrimination in public spaces based on their gender identity.

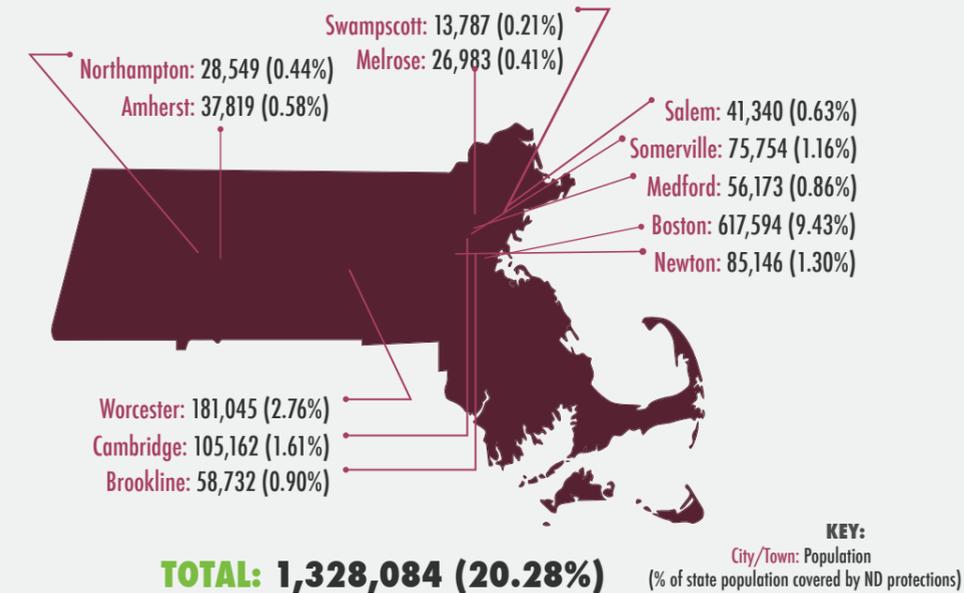


Discrimination and Health in Massachusetts: A Statewide Survey of Transgender and Gender Non-Conforming Adults (July 2014)

DID YOU KNOW?

Twelve cities and towns in the state of Massachusetts have adopted local ordinances that include "gender identity" as a protected class in public spaces. Combined, the percentage of Massachusetts residents who are covered by local non-discrimination ordinances is roughly **20 percent** of the total population of the Commonwealth.

Nationally, more than **200 cities and towns** that have enacted local ordinances to protect transgender and gender non-conforming people from discrimination in public settings.



The Facts Speak for Themselves

- 105 million (33%) Americans live in states that have statewide non-discrimination protections for transgender people in public accommodations.
- Nationally, over half (53%) of transgender respondents reported being harassed in places of public accommodation. Nearly half (44%) of them reported being denied equal treatment or service in a place of public accommodations.
- Transgender people are also at a heightened risk for violence in such places, with 8% of respondents reporting being physically attacked or assaulted in a place of public accommodations.

Statistics from: Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

IN THE UNITED STATES

Unlike Massachusetts, 17 states and the District of Columbia offer statewide protections for transgender people in public accommodations. Those states appear below. Massachusetts is the **only** state that provides transgender people non-discrimination protections in areas like employment and housing **but not** public accommodations.





WHAT THE BILL DOES

“Any public accommodation including without limitation any entity that offers the provision of goods, services, or access to the public that lawfully segregates or separates access to such public accommodation or other entity based on a person’s sex shall grant all persons admission to and the full enjoyment of such public accommodation or other entity consistent with the person’s gender identity.”



PUBLIC ACCOMMODATIONS LEGISLATION

co-sponsor list

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- Sonia Chang-Diaz, Second Suffolk (Lead Sponsor)
- Michael J. Barrett, Third Middlesex
- William N. Brownsberger, Second Suffolk and Middlesex
- Harriette Chandler, First Worcester
- Cynthia S. Creem, First Middlesex and Norfolk
- Sal N. DiDomenico, Middlesex and Suffolk
- Ken Donnelly, Fourth Middlesex
- Ben Downing, Berkshire, Hampshire, Franklin, Hampden
- James B. Eldridge, Middlesex and Worcester
- Patricia D. Jehlen, Second Middlesex

HOUSE

- | | |
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| Brendan P. Crighton, 11th Essex | Aaron Michlewitz, 3rd Suffolk |
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| Michael Day, 31st Middlesex | Sarah K. Peake, 4th Barnstable |
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| Sean Garballey, 23rd Middlesex | Carmine Gentile, 13th Middlesex |
| Carmine Gentile, 13th Middlesex | Carlos Gonzalez, 10th Hampden |
| Carlos Gonzalez, 10th Hampden | Kenneth I. Gordon, 21st Middlesex |
| Kenneth I. Gordon, 21st Middlesex | Danielle Gregoire, 4th Middlesex |
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| Paul R. Heroux, 2nd Bristol | Kate Hogan, 3rd Middlesex |
| Kate Hogan, 3rd Middlesex | Jay R. Kaufman, 15th Middlesex |
| Jay R. Kaufman, 15th Middlesex | Mary S. Keefe, 15th Worcester |
| Mary S. Keefe, 15th Worcester | Chris Walsh, 6th Middlesex |

TRANS 101

the basics

TERMS & DEFINITIONS



TRANSGENDER is an umbrella term for people who transition from the gender assigned to them at birth to the gender they know themselves to be. Transgender also includes individuals who express their gender outside the gender binary of male and female. “Trans” is also used as an umbrella term for this community.



GENDER IDENTITY is how someone identifies their gender, and is the inner sense of being male or female (or both male and female, or neither male nor female).



GENDER EXPRESSION is how a person expresses their gender identity through their behavior, dress, makeup, hairstyles, etc.



SEXUAL ORIENTATION describes a person’s physical, romantic, spiritual, and/or emotional attraction to another person.



TRANSGENDER WOMAN (male-to-female or MTF) is a woman who was assigned male at birth and identifies and lives as a woman. Transgender women use female pronouns. (She, her, hers)



TRANSGENDER MAN (female-to-male or FTM) is a man who was assigned female at birth and identifies and lives as a man. Transgender men use male pronouns. (he, him, his)



GENDER NON-CONFORMING/GENDER VARIANT is a broader term that describes those whose gender expression does not conform to typical gender roles. For example, a woman with a masculine gender expression would be considered gender non-conforming (or “genderqueer”).



PUBLIC ACCOMMODATIONS Cupcake ipsum dolor sit amet chupa chups. Halvah halvah chocolate brownie candy. Gummi bears dessert carrot cake candy marzipan icing sweet. Tiramisu danish wafer lemon drops.

Are transgender people the same as gay/lesbian people?

Being transgender is about gender identity and gender expression, whereas being gay, lesbian, bisexual, and heterosexual/straight is about sexual orientation (emotional and physical attraction to others). While transgender people are sometimes assumed to be gay or lesbian based on stereotypes

about gay men and lesbian women, the terms are not interchangeable. Transgender people also have a sexual orientation, just as everyone else in society, which can be heterosexual, bisexual, gay, lesbian or asexual.

Some transgender people are almost always seen by others as the gender they identify with and live as; there are many transgender people whom no one would know are transgender or were assigned a different sex at birth, and who choose to keep their medical and personal histories

confidential. Others are only occasionally or not at all seen by others as the gender they identify with due to a number of factors, such as access to transgender-specific medical treatment.

A transgender person does not have to disclose that they are transgender. They have a right to privacy about their identity, medical status, and other information.