

Transgender People & Public Accommodations

SB 735 (Senator Sonia Chang-Diaz) • HB 1577 (Rep. Denise Provost • Rep. Byron Rushing)

Background on Public Accommodations



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.

Legal Definition of Gender Identity

Gender identity is a person's sincerely held gender-related expression, appearance or behavior that comprises their core character.

Current Implementation in MA Public Schools



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.



This legislation 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.

Public Accommodations Are...

...any place that is open to the public and provides goods or services. This includes, but is not limited to:

- ✓ Retail Stores
- ✓ Restaurants
- ✓ Hotels
- ✓ Public Parks
- ✓ Medical Offices
- ✓ Public Transportation
- ✓ Hotels
- ✓ Malls
- ✓ Theatres

These businesses cannot discriminate in employment on the basis of gender identity, yet they could legally turn away a transgender customer.

Will MA Be the First?

No!

Across the nation, 17 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	Illinois	Nevada	Vermont
Colorado	Iowa	New Jersey	Washington
Connecticut	Maine	New Mexico	
Delaware	Maryland	Oregon	
Hawaii	Minnesota	Rhode Island	

How Will This 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

The Massachusetts Commission Against Discrimination will issue guidance on best practices in implementing these policies.

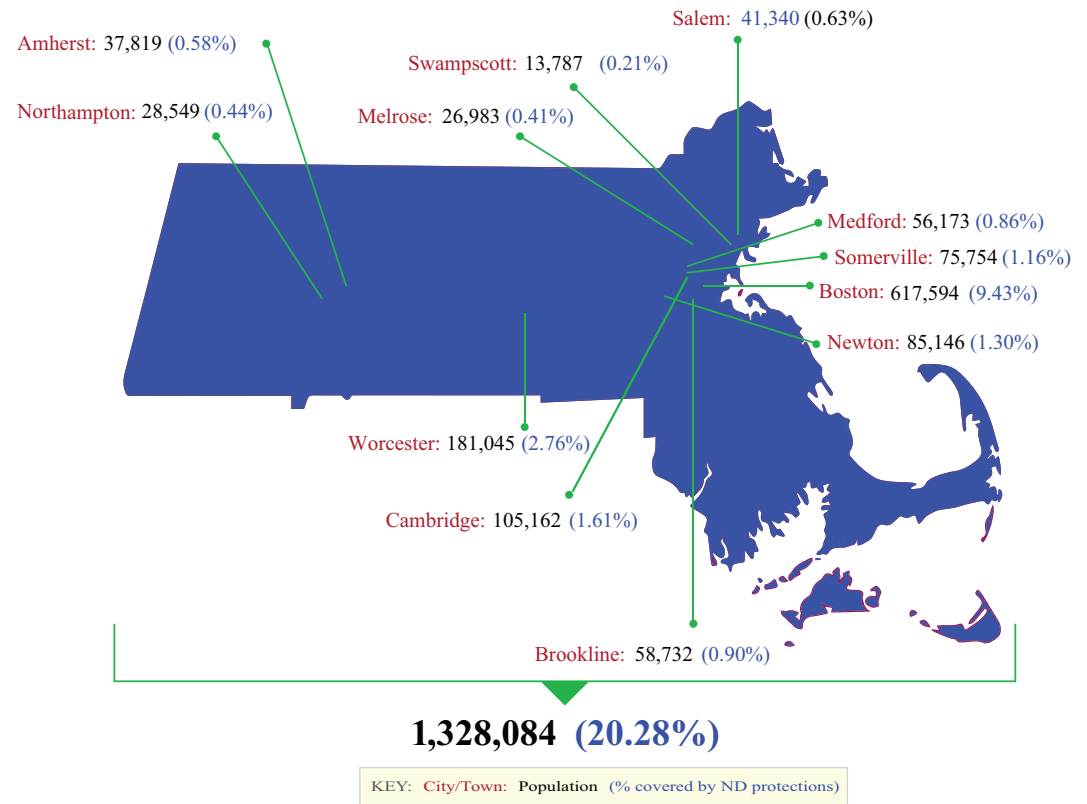
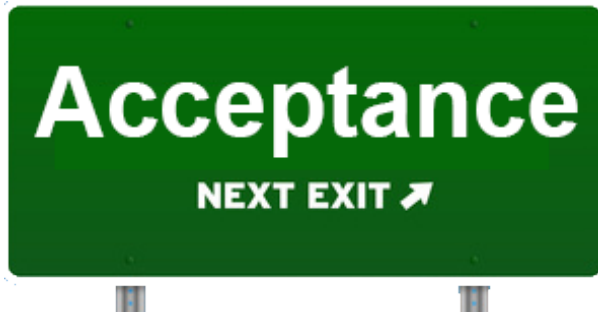
Transgender Lives in Massachusetts



The map to the right highlights the 12 cities and towns in the state with local ordinances protecting gender identity in public spaces and the percentage of the state's population covered by these laws.

These municipalities are proof that laws protecting transgender and gender non-conforming people in public spaces works!

Cambridge, for example, passed its local ordinance in 1997 and there have been no reported incidents of indecency or criminal acts by transgender people in the city.



A study published in July 2014 highlights the significant levels of discrimination against transgender and gender non-conforming people in public spaces in the Commonwealth. The below graph illustrates the five leading public areas in Massachusetts where transgender and gender non-conforming people reported experiencing discrimination.

