



BACKGROUND ON PUBLIC ACCOMMODATIONS

2011 In 2011, An Act Relative to Gender Identity (Chapter 199 of the Acts of 2011) was signed into law. The legislation provides legal protections to transgender people in the areas of credit/lending, housing, employment and public education. However, the legislation ultimately did not include protections in public accommodations (i.e., spaces open to the public).

2015 An Act Relative to Transgender Anti-Discrimination would add “gender identity” to the state’s civil rights law for public accommodations, which currently prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, 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?

Twelve cities and towns in Massachusetts — including Boston, Worcester and Swampscott — have passed local ordinances protecting gender identity in public spaces. Also, as a result of the 2011 law, the Massachusetts Department of Elementary and Secondary Education issued guidance to Massachusetts’ public schools on implementing trans-inclusive policies, including restroom and locker room use that corresponds with the student’s gender identity. These laws and guidelines have made a major positive difference in transgender people’s lives and have not negatively impacted others.

PUBLIC ACCOMMODATIONS ARE...

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



Retail Stores



Healthcare Facilities



Hotels



Public Transportation



Restaurants



Public Parks



Malls



Theaters

WILL MASSACHUSETTS BE THE FIRST?

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

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

HOW WILL THIS LAW BE IMPLEMENTED?

THE LAW WILL REQUIRE:

- Equal treatment for transgender patrons in all public spaces
- 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.

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.¹

That doesn't reflect the values of Massachusetts or its residents, but we can fix this by passing a commonsense bill that protects our transgender friends and neighbors from unwarranted discrimination.

THE ECONOMIC CASE

Not only is it the right thing to do, but it also makes good business sense. That's why Harvard Pilgrim Health Care, Google and Eastern Bank all support this legislation. 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 LGBTQ 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.¹

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 want to face discrimination when it comes to being served by a business, government office, or any other place of public accommodation – that's why we need to fix our law so we can extend these commonsense protections to transgender Bay Staters and visitors.

1. Source: Discrimination and Health in Massachusetts: A Statewide Survey of Transgender and Gender Non-Conforming Adults (July, 2014), Project Voice

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.