HOUSE . . . . . No. 03810

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on Senate, No. 764 and House, No. 502, a Bill relative to gender identity (House, No. 3810). November 15, 2011.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to gender identity.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following clause:-

Fifty-ninth, "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.

SECTION 2. Section 32 of chapter 22C of the General Laws, as so appearing, is hereby amended by inserting after the word “gender”, in line 12, the following words:- , gender identity.

SECTION 3. Section 89 of chapter 71 of the General Laws, as so appearing, is hereby amended by inserting after the word “sex”, in lines 91 and 320, the following words:- , gender identity.

SECTION 4. Section 5 of chapter 76 of the General Laws, as so appearing, is hereby amended by inserting after the word “sex”, in line 10, the following words:- , gender identity.

SECTION 5. Section 12B of said chapter 76, as so appearing, is hereby amended by inserting after the word “sex”, in line 185, the following words:- , gender identity.

SECTION 6. Section 3 of chapter 151B of the General Laws, as so appearing, is hereby amended by inserting after the word “sex”, in lines 17 and 61, the following words:- , gender identity .

SECTION 7. Section 4 of said chapter 151B, as so appearing, is hereby amended by inserting in each instance after the word “sex”, in lines 3, 69, 82, 87, 96, 103, 136, 163, 169, 179, 226, 233, 243, 339, 349, 353, 359, 485, 495, 505, 535, 661 and 670 the following words:- , gender identity.

SECTION 8. Section 39 of chapter 265 of the General Laws, as so appearing, is hereby amended by inserting after the words “sexual orientation”, in line 4, the following words:- , gender identity.

SECTION 9. This act shall take effect on July 1, 2012.