

# One Minute Memo®



## Massachusetts Governor Signs Transgender Public Accommodations Bill Into Law

By Daniel Klein and Kelsey Montgomery

**Seyfarth Synopsis:** On Friday, Governor Charlie Baker signed the Transgender Public Accommodations Bill into law. Massachusetts now protects transgender persons from discrimination in places of public accommodation. Specifically, a transgender person now has the right to use the restroom and locker room that matches that person's gender identity.

On July 8, 2016, Governor Baker signed into law a bill that prohibits discrimination against transgender persons in restaurants, movie theaters, bars, hotels, and other places of public accommodation. This legislation aims to protect persons whose gender identity differs from that typically associated with their sex assigned at birth. While Massachusetts has prohibited transgender discrimination in housing, education, and employment since 2011, those same protections are now extended to public accommodations. Specifically, this law protects a transgender person's right to use the restroom and locker room that matches that person's gender identity.

The House of Representatives and Senate had approved similar versions of this bill in early June and May 2016, respectively. These bills were referred to conference committee where their differences could be reconciled. On July 6, 2016, the committee issued a compromise bill that kept the House provisions authorizing the Attorney General's Office to create regulations for law enforcement agencies should anyone invoke gender identity for an "improper purpose" and the Massachusetts Commission Against Discrimination to develop policies and recommendations on when and how a person's gender identity would be established. These provisions were key sticking points for some opponents who argued that alleged "predators" could pose as transgender women in order to gain access to women's restrooms and locker rooms. The bill will take effect on October 1, 2016, as a result of a second compromise between the House version, which called for a January 1, 2017 implementation, and the Senate version, which would have taken effect immediately.

Given the imminent effective date, Massachusetts businesses that serve the public, as well as other employers, should immediately make their employees aware of the rights of transgender individuals. Training on sensitivity to gender identity issues and revising non-discrimination policies to include protections for transgender individuals are recommended as well.

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