# The What, Where, and When of the Massachusetts Trans Public Accommodations Bill

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In 2011, Massachusetts lawmakers passed H3810, An Act Relative to Gender Identity. The law added gender identity as a protected characteristic to Massachusetts anti-discrimination and hate crimes law with respect to housing, employment, credit and public education. An Act Relative to Gender Identity was, undoubtedly, a huge victory for the transgender community, but it contained one glaring omission; protections in public accommodations.

Bill H1577 (the "Bill"), introduced earlier this year, strives to close that gap. The Bill seeks to protect transgender individuals in places open to the public, such as malls and restaurants, and ensure that transgender and gender non-conforming people receive treatment equal to that of other patrons. Although no state-wide law currently exists in Massachusetts, this idea is not a novel one. Boston, Cambridge, Northampton, Amherst, Salem, and Somerville have all implemented comprehensive non-discrimination protections for the transgender community that include public accommodations within their scope. Eighteen states, Washington D.C., and more than 200 cities and towns across the United States have enacted non-discrimination laws and regulations that protect gender identity in public spaces.

The Bill has some noteworthy support. Attorney General Maura Healey, in discussing the Bill, opined "discomfort is not a reason to perpetuate discrimination, not in this state, not in this country." Many businesses and organizations in Massachusetts also openly support the Bill, including Harvard Pilgrim Health Care, Harvard University, Google, Eastern Bank, John Hancock Financial and Cape Air.

The Bill was heard on October 6, 2015. Now, the Joint Committee on The Judiciary must vote to approve it and send it to the House of Representatives and Senate. If the Bill receives approval by majority vote in both chambers, the Bill will go to the Governor for signing.

With the end of 2015 fast-approaching, it is uncertain whether enactment of the Bill will be completed this year. U.S. Senator Edward J. Markey, U.S. Representative Joseph P. Kennedy III and others wrote a letter to Massachusetts House Speaker Robert DeLeo and Senate President Stanley Rosenberg urging the Bill's passage within the next week, presumably before the legislature breaks for the holidays on November 19. However, House Speaker Robert DeLeo indicated the House is currently focused on amending the state's public records and solar power production laws. Governor Baker has not yet taken a definitive stance on the Bill. The status of the Bill as it proceeds through the state legislative process is worth monitoring, and may serve as a barometer for the political climate in Massachusetts with respect to legal protections for transgender individuals.

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