

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Downing

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to gender based discrimination and hate crimes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mr. Downing	Berkshire, Hampshire and Franklin
Mr. Buoniconti	Hampden
Mr. Rosenberg	Hampshire and Franklin

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO GENDER BASED DISCRIMINATION AND HATE CRIMES.

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

1 SECTION 1. Section 32 of chapter 22C of the General Laws, as appearing in the 2004 Official Edition, is hereby
2 amended by striking out the third paragraph and inserting in place thereof the following paragraph:--
3 "Hate crime", any criminal act coupled with overt actions motivated by bigotry and bias including, but not limited
4 to, a threatened, attempted or completed overt act motivated at least in part by racial, religious, ethnic, handicap,
5 gender, sexual orientation, or gender identity or expression prejudice, or which otherwise deprives another person
6 of his constitutional rights by threats, intimidation or coercion, or which seek to interfere with or disrupt a person's
7 exercise of constitutional rights through harassment or intimidation. Hate crime shall also include, but not be
8 limited to, acts that constitute violations of sections thirty-seven and thirty-nine of chapter two hundred and sixty-
9 five, section one hundred and twenty-seven A of chapter two hundred and sixty-six and chapter two hundred and
10 seventy-two.

11
12 SECTION 2. Section 39 of chapter 265 of the General Laws, as so appearing, is hereby amended by striking out
13 subsection (a), and inserting in place thereof the following subsection:--

14

15 (a) Whoever commits an assault or a battery upon a person or damages the real or personal property of a person
16 with the intent to intimidate such person because of such person's race, color, religion, national origin, sexual
17 orientation, or disability or gender identity or expression shall be punished by a fine of not more than five
18 thousand dollars or by imprisonment in a house of correction for not more than two and one-half years, or by both
19 such fine and imprisonment. The court may also order restitution to the victim in any amount up to three times
20 the value of property damage sustained by the owners of such property. For the purposes of this section, the term
21 "disability" shall have the same meaning as "handicap" as defined in subsection 17 of section one of chapter one
22 hundred and fifty-one B; provided, however, that for purposes of this section, the term "disability" shall not
23 include any condition primarily resulting from the use of alcohol or a controlled substance as defined in section
24 one of chapter ninety-four C. For the purposes of this section, the term "gender identity or expression" shall have
25 the same meaning as that term is defined in subsection 24 of section one of chapter one hundred and fifty-one B.

26

27 SECTION 3. Section 89 of chapter 71 of the General Laws, as so appearing, is hereby amended by striking out
28 subsection (f), and inserting in place thereof the following subsection:--

29

30 (f) The board of education shall establish the information needed in an application for the approval of a charter
31 school; provided, however, that said application shall include but not be limited to a description of: (1) the method
32 for admission to a charter school; (2) the mission, purpose, innovation and specialized focus of the proposed
33 charter school; (3) procedures for teacher evaluation and professional development for teachers and
34 administrators; (4) the school governance and bylaws; (5) the financial plan for the operation of the school; (6) the
35 educational program, instructional methodology and services to be offered to students; (7) the number and
36 qualifications of teachers and administrators to be employed; (8) the organization of the school in terms of ages of
37 students or grades to be taught along with an estimate of the total enrollment of the school; (9) the provision of
38 school facilities and pupil transportation; and (10) a statement of equal educational opportunity which shall state
39 that charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis
40 of race, color, national origin, creed, sex, gender identity or expression, ethnicity, sexual orientation, mental or
41 physical disability, age, ancestry, athletic performance, special need, or proficiency in the English language, and

42 academic achievement. In the case of a Horace Mann charter school, the application shall include a statement of
43 the non-instructional services which will continue to be provided by the local school district. There shall be no
44 application fee for admission to a charter school.

45

46 SECTION 4. Said section 89 of said chapter 71 is hereby further amended by striking out subsection (l), as so
47 appearing, and inserting in place thereof the following subsection:--

48

49 (l) Charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis
50 of race, color, national origin, creed, sex, gender identity or expression, ethnicity, sexual orientation, mental or
51 physical disability, age, ancestry, athletic performance, special need, or proficiency in the English language or a
52 foreign language, and academic achievement. Charter schools may limit enrollment to specific grade levels and
53 may structure curriculum around particular areas of focus such as mathematics, science, or the arts.

54

55 SECTION 5. Section 5 of chapter 76 of the General Laws, as so appearing, is hereby amended by striking out the
56 last sentence and inserting in place thereof the following sentence:-- No person shall be excluded from or
57 discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and
58 courses of study of such public school on account of race, color, sex, gender identity or expression, religion,
59 national origin or sexual orientation.

60

61 SECTION 6. Subsection (j) of section 12B of said chapter 76, as so appearing, is hereby amended by striking out the
62 first sentence and inserting in place thereof the following sentence:-- (j) School committees may establish terms
63 for accepting non-resident students; provided, however, that if the number of non-resident students applying for
64 acceptance to said district exceeds the number of available seats, said school committee shall select students for
65 admission on a random basis; provided, further, that said school committee shall conduct said random selection
66 twice: one time prior to July first and one time prior to November first; provided, further, that no school
67 committee shall discriminate in the admission of any child on the basis of race, color, religious creed, national

68 origin, sex, gender identity or expression, age, sexual orientation, ancestry, athletic performance, physical
69 handicap, special need or academic performance or proficiency in the English language.

70

71 SECTION 7. Section 1 of chapter 151B of the General Laws, as so appearing, is hereby amended by inserting after
72 subsection 23 the following subsection:--

73

74 24. The term "gender identity or expression" shall mean a gender-related identity, appearance, expression, or
75 behavior of an individual, regardless of the individual's assigned sex at birth.

76

77 SECTION 8. Subsection 6 of section 3 of chapter 151B of the General Laws, as so appearing, is hereby further
78 amended by striking out the first sentence and inserting in place thereof the following sentence:-- To receive,
79 investigate and pass upon complaints of unlawful practices, as hereinafter defined, alleging discrimination because
80 of the race, color, religious creed, national origin, sex, gender identity or expression, sexual orientation, which shall
81 not include persons whose sexual orientation involves minor children as the sex object, age, ancestry or handicap
82 of any person alleging to be a qualified handicapped person.

83

84 SECTION 9. Said section 3 of said chapter 151B, as so appearing, is hereby further amended by striking out the
85 third sentence of subsection 8 and inserting in place thereof the following sentence:-- To the extent reasonably
86 possible the members of each board shall include representatives of owners and brokers of residential property;
87 major lending and credit institutions; major private employers; a local personnel or civil service administrator; local
88 post-secondary educational institutions; local labor organizations; minority racial, ethnic and linguistic groups;
89 women; people of diverse gender identities or expressions; elderly and handicapped persons; and recipients of
90 public assistance.

91

92 SECTION 10. Said section 3 of said chapter 151B, as so appearing, is hereby further amended by striking out
93 subsection 9 and inserting in place thereof the following subsection:--

94

95 9. To issue such publication and such results of investigations and research as in its judgment will tend to promote
96 good will and minimize or eliminate discrimination because of the race, color, religious creed, national origin, sex,
97 gender identity or expression, sexual orientation, which shall not include persons whose sexual orientation
98 involves minor children as the sex object, age, genetic information or ancestry.

99

100 SECTION 11. Section 4 of said chapter 151B is hereby amended by striking out subsection 1, as so appearing, and
101 inserting in place thereof the following subsection:--

102

103 1. For an employer, by himself or his agent, because of the race, color, religious creed, national origin, sex, gender
104 identity or expression, sexual orientation, which shall not include persons whose sexual orientation involves minor
105 children as the sex object, genetic information, or ancestry of any individual to refuse to hire or employ or to bar or
106 to discharge from employment such individual or to discriminate against such individual in compensation or in
107 terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification.

108

109 SECTION 12. Said section 4 of said chapter 151B is hereby further amended by striking out subsection 2, as so
110 appearing, and inserting in place thereof the following subsection:--

111

112 2. For a labor organization, because of the race, color, religious creed, national origin, sex, gender identity or
113 expression, sexual orientation, which shall not include persons whose sexual orientation involves minor children as
114 the sex object, age, genetic information, or ancestry of any individual, or because of the handicap of any person
115 alleging to be a qualified handicapped person, to exclude from full membership rights or to expel from its
116 membership such individual or to discriminate in any way against any of its members or against any employer or
117 any individual employed by an employer unless based upon a bona fide occupational qualification.

118

119

120 SECTION 13. Said section 4 of said chapter 151B is hereby further amended by striking out subsection 3, as so
121 appearing, and inserting in place thereof the following subsection:--

122

123 3. For any employer or employment agency to print or circulate or cause to be printed or circulated any
124 statement, advertisement or publication, or to use any form of application for employment or to make any inquiry
125 or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or
126 discrimination as to the race, color, religious creed, national origin, sex, gender identity or expression, sexual
127 orientation, which shall not include persons whose sexual orientation involves minor children as the sex object,
128 age, genetic information or ancestry, or the handicap of a qualified handicapped person or any intent to make any
129 such limitation, specification or discrimination, or to discriminate in any way on the ground of race, color, religious
130 creed, national origin, sex, gender identity or expression, sexual orientation, age, genetic information, ancestry or
131 the handicap of a qualified handicapped person, unless based upon a bona fide occupational qualification.

132

133 SECTION 14. Said section 4 of said chapter 151B is hereby further amended by striking out subsection 3A, as so
134 appearing, and inserting in place thereof the following subsection:--

135

136 3A. For any person engaged in the insurance or bonding business, or his agent, to make any inquiry or record of
137 any person seeking a bond or surety bond conditioned upon faithful performance of his duties or to use any form
138 of application in connection with the furnishing of such bond, which seeks information relative to the race, color,
139 religious creed, national origin, sex, gender identity or expression, sexual orientation, which shall not include
140 persons whose sexual orientation involves minor children as the sex object, genetic information, or ancestry of the
141 person to be bonded.

142

143 SECTION 15. Subsection 3B of said section 4 of said chapter 151B, as so appearing, is hereby amended by inserting
144 after the word "sex", in line 103, the words:-- , gender identity or expression.

145

146 SECTION 16. Said section 4 of said chapter 151B is hereby further amended by striking out subsection 3C, as so
147 appearing, and inserting in place thereof the following subsection:--

148

149 3C. For any person to deny another person access to, or membership or participation in, a multiple listing service,
150 real estate brokers' organization, or other service, organization, or facility relating to the business of selling or
151 renting dwellings, or to discriminate against such person in the terms or conditions of such access, membership, or
152 participation, on account of race, color, religion, sex, gender identity or expression, sexual orientation which shall
153 not include persons whose sexual orientation involves minor children as the sex object, children, national origin,
154 genetic information, ancestry, age, or handicap.

155

156 SECTION 17. Said section 4 of said chapter 151B is hereby further amended by striking out the first paragraph of
157 subsection 6, as so appearing, and inserting in place thereof the following paragraph:--

158

159 6. For the owner, lessee, sublessee, licensed real estate broker, assignee or managing agent of publicly assisted or
160 multiple dwelling or contiguously located housing accommodations or other person having the right of ownership
161 or possession or right to rent or lease, or sell or negotiate for the sale of such accommodations, or any agent or
162 employee of such a person, or any organization of unit owners in a condominium or housing cooperative: (a) to
163 refuse to rent or lease or sell or negotiate for sale or otherwise to deny to or withhold from any person or group of
164 persons such accommodations because of the race, religious creed, color, national origin, sex, gender identity or
165 expression, sexual orientation, which shall not include persons whose sexual orientation involves minor children as
166 the sex object, age, genetic information, ancestry, or marital status of such person or persons or because such
167 person is a veteran or member of the armed forces, or because such person is blind, or hearing impaired or has
168 any other handicap; (b) to discriminate against any person because of his race, religious creed, color, national
169 origin, sex, gender identity or expression, sexual orientation, which shall not include persons whose sexual
170 orientation involves minor children as the sex object, age, ancestry, or marital status or because such person is a
171 veteran or member of the armed forces, or because such person is blind, or hearing impaired or has any other
172 handicap in the terms, conditions or privileges of such accommodations or the acquisitions thereof, or in the
173 furnishings of facilities and services in connection therewith, or because such a person possesses a trained dog
174 guide as a consequence of blindness, or hearing impairment; (c) to cause to be made any written or oral inquiry or
175 record concerning the race, religious creed, color, national origin, sex, gender identity or expression, sexual

176 orientation, which shall not include persons whose sexual orientation involves minor children as the sex object,
177 age, genetic information, ancestry or marital status of the person seeking to rent or lease or buy any such
178 accommodation, or concerning the fact that such person is a veteran or a member of the armed forces or because
179 such person is blind or hearing impaired or has any other handicap. The word "age" as used in this subsection shall
180 not apply to persons who are minors nor to residency in state-aided or federally-aided housing developments for
181 the elderly nor to residency in housing developments assisted under the federal low income housing tax credit and
182 intended for use as housing for persons 55 years of age or over or 62 years of age or over, nor to residency in
183 communities consisting of either a structure or structures constructed expressly for use as housing for persons 55
184 years of age or over or 62 years of age or over if the housing owner or manager register biennially with the
185 department of housing and community development. For the purpose of this subsection, housing intended for
186 occupancy by persons fifty-five or over and sixty-two or over shall comply with the provisions set forth in 42 USC
187 3601 et seq.

188
189 SECTION 18. Said section 4 of said chapter 151B is hereby further amended by striking out subsection 7, as so
190 appearing, and inserting in place thereof the following subsection:--

191
192 7. For the owner, lessee, sublessee, real estate broker, assignee or managing agent of other covered housing
193 accommodations or of land intended for the erection of any housing accommodation included under subsection
194 10, 11, 12, or 13 of section one, or other person having the right of ownership or possession or right to rent or
195 lease or sell, or negotiate for the sale or lease of such land or accommodations, or any agent or employee of such a
196 person or any organization of unit owners in a condominium or housing cooperative: (a) to refuse to rent or lease
197 or sell or negotiate for sale or lease or otherwise to deny or withhold from any person or group of persons such
198 accommodations or land because of race, color, religious creed, national origin, sex, gender identity or expression,
199 sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex
200 object, age, genetic information, ancestry, or marital status, veteran status or membership in the armed forces,
201 blindness, hearing impairment, or because such person possesses a trained dog guide as a consequence of
202 blindness or hearing impairment or other handicap of such person or persons; (b) to discriminate against any

203 person because of his race, color, religious creed, national origin, sex, gender identity or expression, sexual
204 orientation, which shall not include persons whose sexual orientation involves minor children as the sex object,
205 age, genetic information, ancestry, or marital status, veteran status or membership in the armed services,
206 blindness, or hearing impairment or other handicap, or because such person possesses a trained dog guide as a
207 consequence of blindness or hearing impairment in the terms, conditions or privileges of such accommodations or
208 land or the acquisition thereof, or in the furnishing of facilities and services in the connection therewith or (c) to
209 cause to be made any written or oral inquiry or record concerning the race, color, religious creed, national origin,
210 sex, gender identity or expression, sexual orientation, which shall not include persons whose sexual orientation
211 involves minor children as the sex object, age, genetic information, ancestry, marital status, veteran status or
212 membership in the armed services, blindness, hearing impairment or other handicap or because such person
213 possesses a trained dog guide as a consequence of blindness or hearing impairment, of the person seeking to rent
214 or lease or buy any such accommodation or land; provided, however, that this subsection shall not apply to the
215 leasing of a single apartment or flat in a two family dwelling, the other occupancy unit of which is occupied by the
216 owner as his residence. The word "age" as used in this subsection shall not apply to persons who are minors nor to
217 residency in state-aided or federally-aided housing developments for the elderly nor to residency in housing
218 developments assisted under the federal low income housing tax credit and intended for use as housing for
219 persons 55 years of age or over or 62 years of age or over, nor to residency in communities consisting of either a
220 structure or structures constructed expressly for use as housing for persons 55 years of age or over or 62 years of
221 age or over if the housing owner or manager register biennially with the department of housing and community
222 development. For the purpose of this subsection, housing intended for occupancy by persons fifty-five or over and
223 sixty-two or over shall comply with the provisions set forth in 42 USC 3601 et seq.

224

225 SECTION 19. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by striking out
226 subsection 7B and inserting in place thereof the following subsection:--

227

228 7B. For any person to make print, or publish, or cause to be made, printed, or published any notice, statement or
229 advertisement, with respect to the sale or rental of multiple dwelling, contiguously located, publicly assisted or

230 other covered housing accommodations that indicates any preference, limitation, or discrimination based on race,
231 color, religion, sex, gender identity or expression, sexual orientation which shall not include persons whose sexual
232 orientation involves minor children as the sex object, national origin, genetic information, ancestry, children,
233 marital status, public assistance recipiency, or handicap or an intention to make any such preference, limitation or
234 discrimination except where otherwise legally permitted.

235
236 SECTION 20. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by striking out
237 subsection 8 and inserting in place thereof the following subsection:--

238
239 8. For the owner, lessee, sublessee, or managing agent of, or other person having the right of ownership or
240 possession of or the right to sell, rent or lease, commercial space: (1) To refuse to sell, rent, lease or otherwise
241 deny to or withhold from any person or group of persons such commercial space because of race, color, religious
242 creed, national origin, sex, gender identity or expression, sexual orientation, which shall not include persons whose
243 sexual orientation involves minor children as the sex object, age, genetic information, ancestry handicap or marital
244 status of such person or persons. (2) To discriminate against any person because of his race, color, religious creed,
245 national origin, sex, gender identity or expression, sexual orientation, which shall not include persons whose sexual
246 orientation involves minor children as the sex object, age, genetic information, ancestry, handicap or marital status
247 in the terms, conditions or privileges of the sale, rental or lease of any such commercial space or in the furnishing
248 of facilities or services in connection therewith. (3) To cause to be made any written or oral inquiry or record
249 concerning the race, color, religious creed, national origin, sex, gender identity or expression, sexual orientation,
250 which shall not include persons whose sexual orientation involves minor children as the sex object, age, genetic
251 information, ancestry, handicap or marital status of a person seeking to rent or lease or buy any such commercial
252 space. The word "age" as used in this subsection shall not apply to persons who are minors, nor to residency in
253 state-aided or federally-aided housing developments for the elderly nor to residency in self-contained retirement
254 communities constructed expressly for use by the elderly and which are at least twenty acres in size and have a
255 minimum age requirement for residency of at least fifty-five years.

256

257 SECTION 21. Said section 4 of said chapter 151B, as so appearing, is hereby further amended by striking out
258 subsection 13 and inserting in place thereof the following subsection:--

259
260 13. For any person to directly or indirectly induce, attempt to induce, prevent, or attempt to prevent the sale,
261 purchase, or rental of any dwelling or dwellings by:

262
263 (a) implicit or explicit representations regarding the entry or prospective entry into the neighborhood of a person
264 or persons of a particular age, race, color, religion, sex, gender identity or expression, national or ethnic origin, or
265 economic level or a handicapped person, or a person having a child, or implicit or explicit representations
266 regarding the effects or consequences of any such entry or prospective entry;

267
268 (b) unrequested contact or communication with any person or persons, initiated by any means, for the purpose of
269 so inducing or attempting to induce the sale, purchase, or rental of any dwelling or dwellings when he knew or, in
270 the exercise of reasonable care, should have known that such unrequested solicitation would reasonably be
271 associated by the persons solicited with the entry into the neighborhood of a person or persons of a particular age,
272 race, color, religion, sex, gender identity or expression, national or ethnic origin, or economic level or a
273 handicapped person, or a person having a child;

274
275 (c) implicit or explicit false representations regarding the availability of suitable housing within a particular
276 neighborhood or area, or failure to disclose or offer to show all properties listed or held for sale or rent within a
277 requested price or rental range, regardless of location; or

278
279 (d) false representations regarding the listing, prospective listing, sale, or prospective sale of any dwelling.

280
281 SECTION 22. Subsection 14 of said section 4 of said chapter 151B, as so appearing, is hereby amended by inserting
282 after the word "sex", in line 492, the words:-- , gender identity or expression.

283

284 SECTION 23. Subsection 18 of said section 4 of said chapter 151B, as so appearing, is hereby amended by striking
285 out the last sentence and inserting in place thereof the following sentence:-- Nothing contained in this chapter or
286 in any rule or regulation issued by the commission shall be interpreted as requiring any employer, employment
287 agency or labor organization to grant preferential treatment to any individual or to any group because of the race,
288 color, religious creed, national origin, sex, gender identity or expression, sexual orientation, which shall not include
289 persons whose sexual orientation involves minor children as the sex object, age, genetic information or ancestry of
290 such individual or group because of imbalance which may exist between the total number or percentage of
291 persons employed by any employer, referred or classified for employment by any employment agency or labor
292 organization, admitted to membership or classified by any labor organization or admitted to or employed in, any
293 apprenticeship or other training program, and the total number or percentage of persons of such race, color,
294 religious creed, national origin, sex, gender identity or expression, sexual orientation, which shall not include
295 persons whose sexual orientation involves minor children as the sex object, age, genetic information or ancestry in
296 the commonwealth or in any community, section or other area therein, or in the available work force in the
297 commonwealth or in any of its political subdivisions.

298
299 SECTION 24. Section 92A of chapter 272 of the General Laws, as so appearing, is hereby amended by striking out
300 the first paragraph and inserting in place thereof the following paragraph:--

301
302 No owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public
303 accommodation, resort or amusement shall, directly or indirectly, by himself or another, publish, issue, circulate,
304 distribute or display, or cause to be published, issued, circulated, distributed or displayed, in any way, any
305 advertisement, circular, folder, book, pamphlet, written or painted or printed notice or sign, of any kind or
306 description, intended to discriminate against or actually discriminating against persons of any religious sect, creed,
307 class, race, color, denomination, sex, gender identity or expression, sexual orientation, which shall not include
308 persons whose sexual orientation involves minor children as the sex object, nationality, or because of deafness or
309 blindness, or any physical or mental disability, in the full enjoyment of the accommodations, advantages, facilities
310 or privileges offered to the general public by such places of public accommodation, resort or amusement.

311

312 SECTION 25. Said section 92A of said chapter 272, as so appearing, is hereby further amended by striking out the
313 second paragraph and inserting in place thereof the following paragraph:--

314

315 A place of public accommodation, resort or amusement within the meaning hereof shall be defined as and shall be
316 deemed to include any place, whether licensed or unlicensed, which is open to and accepts or solicits the
317 patronage of the general public and, without limiting the generality of this definition, whether or not it be (1) an
318 inn, tavern, hotel, shelter, roadhouse, motel, trailer camp or resort for transient or permanent guests or patrons
319 seeking housing or lodging, food, drink, entertainment, health, recreation or rest; (2) a carrier, conveyance or
320 elevator for the transportation of persons, whether operated on land, water or in the air, and the stations,
321 terminals and facilities appurtenant thereto; (3) a gas station, garage, retail store or establishment, including those
322 dispensing personal services; (4) a restaurant, bar or eating place, where food, beverages, confections or their
323 derivatives are sold for consumption on or off the premises; (5) a rest room, barber shop, beauty parlor,
324 bathhouse, seashore facilities or swimming pool, except such rest room, bathhouse or seashore facility as may be
325 segregated on the basis of sex; (6) a boardwalk or other public highway; (7) an auditorium, theatre, music hall,
326 meeting place or hall, including the common halls of buildings; (8) a place of public amusement, recreation, sport,
327 exercise or entertainment; (9) a public library, museum or planetarium; or (10) a hospital, dispensary or clinic
328 operating for profit; provided, however, that with regard to the prohibition on sex discrimination, this section shall
329 not apply to a place of exercise for the exclusive use of persons of the same sex which is a bona fide fitness facility
330 established for the sole purpose of promoting and maintaining physical and mental health through physical
331 exercise and instruction, if such facility does not receive funds from a government source, nor to any corporation
332 or entity authorized, created or chartered by federal law for the express purpose of promoting the health, social,
333 educational vocational, and character development of a single sex; provided, further, that with regard to the
334 prohibition of sex discrimination, those establishments which rent rooms on a temporary or permanent basis for
335 the exclusive use of persons of the same sex shall not be considered places of public accommodation and shall not
336 apply to any other part of such an establishment. The exceptions to the prohibitions of sex discrimination stated

337 herein shall only apply to the extent such places of public accommodation, resort or amusement allow persons the
338 full enjoyment of the accommodations consistent with an individual's gender identity or expression.

339

340 SECTION 26. Section 98 of chapter 272 of the General Laws, as so appearing, is hereby amended by striking out
341 the first sentence and inserting in place thereof the following sentence:-- Whoever makes any distinction,
342 discrimination or restriction on account of race, color, religious creed, national origin, sex, gender identity or
343 expression, sexual orientation, which shall not include persons whose sexual orientation involves minor children as
344 the sex object, deafness, blindness or any physical or mental disability or ancestry relative to the admission of any
345 person to, or his treatment in any place of public accommodation, resort or amusement, as defined in section
346 ninety-two A, or whoever aids or incites such distinction, discrimination or restriction, shall be punished by a fine
347 of not more than twenty-five hundred dollars or by imprisonment for not more than one year, or both, and shall
348 be liable to any person aggrieved thereby for such damages as are enumerated in section five of chapter one
349 hundred and fifty-one B; provided, however, that such civil forfeiture shall be of an amount not less than three
350 hundred dollars; but such person so aggrieved shall not recover against more than one person by reason of any
351 one act of distinction, discrimination or restriction.

352

353 SECTION 27. Section 56 of chapter 6 of the General Laws, as so appearing, is hereby amended by striking out the
354 last paragraph and inserting in place thereof the following paragraph:--

355

356 The governor shall appoint an advisory board to the commission, consisting of not less than twenty-one persons,
357 who shall serve at his pleasure. The members of said board shall include representatives of each of the local or
358 regional advisory boards; owners and brokers of residential property; major lending and credit institutions; major
359 private employers; a designee of the civil service commission; post-secondary educational institutions; major labor
360 organizations; minority racial, ethnic and linguistic groups; women; people of diverse gender identities or
361 expressions; elderly and handicapped persons; and recipients of public assistance. The board shall advise the
362 commission and the governor on matters of policy affecting the commission, and shall review the implementation
363 of the commission's programs and policies and from time to time report their conclusions to the commission and

364 the governor. The board shall coordinate the activities of the local or regional advisory boards appointed pursuant
365 to subsection 8 of section three of chapter one hundred and fifty-one B. The governor shall from time to time
366 designate one member as chairman. The members of the board shall not be compensated for their services, but
367 they shall be reimbursed for travel and other expenses necessary for the performance of their duties. The
368 commission may provide technical and clerical assistance to the advisory board.

369
370 SECTION 28. Section 67 of chapter 3 of the General Laws, as so appearing, is hereby amended by striking out the
371 section title and inserting in place thereof the following section title:-- § 67. Commission on gay, and lesbian,
372 bisexual and transgender youth; membership; terms; powers and duties

373
374 SECTION 29. Said section 67 of said chapter 3, as so appearing, is hereby further amended by striking out
375 subsection (a) and inserting in place thereof the following subsection:--

376
377 (a) There shall be a permanent commission on gay, and lesbian, bisexual and transgender youth, which shall
378 consist of 27 persons as follows: 3 persons appointed by the Massachusetts chapter of the National Association of
379 Social Workers, 3 persons appointed by the Massachusetts Coalition for Suicide Prevention, 2 persons appointed
380 by the Fenway Community Health Center, 4 persons appointed by the Greater Boston Parents, Families and
381 Friends of Lesbians and Gays, 2 persons appointed by the Massachusetts Gay and Lesbian Political Caucus, 1
382 person appointed by MassEquality, 1 persons appointed by the Massachusetts Teachers Association, 1 persons
383 appointed by AFT Massachusetts, 3 persons appointed by the Massachusetts Chapter of the American Academy of
384 Pediatrics, 2 persons appointed by the Gay, Lesbian and Straight Education Network of Boston, 2 persons
385 appointed by the Massachusetts Public Health Association, and 3 persons appointed by the Massachusetts
386 Association of School Superintendents. The membership of the commission shall include at least 1 parent of a gay,
387 and lesbian, bisexual or transgender person; 1 high school student; 1 college student; 1 representative from an
388 educational institution; and 1 representative of the mental health professions. Members of the commission shall
389 be drawn from diverse racial, ethnic, religious, age, sexual-orientation, gender identity or expression and socio-
390 economic backgrounds from throughout the commonwealth. Members shall be considered special state

391 employees for purposes of chapter 268A of the General Laws. The commission shall be an independent agency of
392 the commonwealth and shall not be subject to the control of any other department or agency.

393

394 SECTION 30. Said section 67 of said chapter 3, as so appearing, is hereby further amended by striking out
395 subsection (b)(3) and inserting in place thereof the following subsection:--

396

397 (3) Appointments shall be made in consultation with gay, and lesbian, bisexual and transgender organizations.
398 Nominations shall be solicited between August 1 and November 1 of each year through an open application
399 process using a uniform application that is widely distributed throughout the state.

400

401 SECTION 31. Said section 67 of said chapter 3, as so appearing, is hereby further amended by striking out
402 subsection (c) and inserting in place thereof the following subsection:--

403

404 (c) The commission shall investigate the use of resources from both the public and private sectors to enhance and
405 improve the ability of state agencies to provide services to gay, and lesbian, bisexual and transgender youth. In
406 furtherance of that responsibility, the commission shall: (1) work in partnership with the department of education
407 and the department of public health to create school-based and community-based programs focusing on suicide
408 prevention, violence intervention, and the promotion of zero-tolerance policies regarding harassment and
409 discrimination against gay, and lesbian, bisexual and transgender youth; and (2) make recommendations about
410 policies and programs supporting gay, and lesbian, bisexual and transgender youth on an ongoing basis to the
411 department of education, the department of public health and the executive office of health and human services.
412 The commission shall annually, on or before June 2, report the results of its findings and activities of the preceding
413 year and make recommendations relating to the concerns of gay, and lesbian, bisexual and transgender youth to
414 the governor and to the clerks of the senate and house of representatives.

415

416