

SENATE No. 1687

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin B. 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
Carl M. Sciortino, Jr.	34th Middlesex
Byron Rushing	9th Suffolk
Stephen J. Buoniconti	Hampden
Stanley C. Rosenberg	Hampshire and Franklin
Sonia Chang-Díaz	Second Suffolk
Patricia D. Jehlen	Second Middlesex
Cynthia Stone Creem	First Middlesex and Norfolk
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Susan C. Tucker	Second Essex and Middlesex
James B. Eldridge	Middlesex and Worcester
Thomas M. McGee	Third Essex and Middlesex
Kenneth J. Donnelly	Fourth Middlesex
Michael R. Knapik	Second Hampden and Hampshire
Harriette L. Chandler	First Worcester
Susan C. Fargo	Third Middlesex
Thomas P. Kennedy	Second Plymouth and Bristol
Mark C. Montigny	Second Bristol and Plymouth
Anthony W. Petrucci	First Suffolk and Middlesex

Richard R. Tisei	Middlesex and Essex
Geraldo Alicea	6th Worcester
Willie Mae Allen	6th Suffolk
Brian Michael Ashe	2nd Hampdon
Cory Atkins	14th Middlesex
Demetrius J. Atsalis	Second Barnstable
Ruth B. Balser	12th Middlesex
Carlo P. Basile	1st Suffolk
Jennifer Benson	37th Middlesex
Bill Bowles	2nd Bristol
William N. Brownsberger	24th Middlesex
Antonio F.D. Cabral	13th Bristol
James Cantwell	4th Plymouth
Katherine Clark	32nd Middlesex
Cheryl A. Coakley-Rivera	10th Hampden
Thomas P. Conroy	13th Middlesex
Michael A. Costello	1st Essex
Linda Dean Campbell	15th Essex
Steven J. D'Amico	4th Bristol
Robert A. DeLeo	19th Suffolk
Stephen L. DiNatale	3rd Worcester
Paul J. Donato	35th Middlesex
Lori Ehrlich	8th Essex
Mark V. Falzone	9th Essex
Ann-Margaret Ferrante	5th Essex
Linda Dorcena Forry	12th Suffolk
Gloria L. Fox	7th Suffolk
Sean Garballey	23rd Middlesex
Anne M. Gobi	5th Worcester
Mary E. Grant	6th Essex
Patricia A. Haddad	5th Bristol
Lida E. Harkins	13th Norfolk
Jonathan Hecht	29th Middlesex
Kate Hogan	3rd Middlesex
Kevin G. Honan	17th Suffolk
Louis L. Kafka	8th Norfolk
Jay R. Kaufman	15th Middlesex
John D. Keenan	7th Essex
Kay Khan	11th Middlesex
Peter v. Kocot	1st Hampshire
Stephen Kulik	1st Franklin
Jason Lewis	31st Middlesex

David P. Linsky	5th Middlesex
Barbara A. L'Italien	18th Essex
Timothy Madden	Barnstable, Dukes and Nantucket
Elizabeth A. Malia	11th Suffolk
Ronald Mariano	3rd Norfolk
Paul McMurtry	11th Norfolk
Michael J. Moran	18th Suffolk
Charles A. Murphy	21st Middlesex
Harold P. Naughton, Jr.	12th Worcester
James J. O'Day	14th Worcester District
Matthew C. Patrick	3rd Barnstable
Sarah K. Peake	4th Barnstable
Denise Provost	27th Middlesex
Kathi-Anne Reinstein	16th Suffolk
Robert L. Rice, Jr.	2nd Worcester
Pam Richardson	6th Middlesex
John H. Rogers	12th Norfolk
Jeffrey Sánchez	15th Suffolk
Rosemary Sandlin	3rd Hampden
Tom Sannicandro	7th Middlesex
John W. Scibak	2nd Hampshire
Stephen Stat Smith	28th Middlesex
Frank I. Smizik	15th Norfolk
Theodore C. Speliotis	13th Essex
Thomas M. Stanley	9th Middlesex
Ellen Story	3rd Hampshire
William M. Straus	10th Bristol
Benjamin Swan	11th Hampden
Timothy J. Toomey, Jr.	26th Middlesex
Cleon H. Turner	1st Barnstable
James E. Vallee	10th Norfolk
Steven M. Walsh	11th Essex
Martha M. Walz	8th Suffolk
James T. Welch	6th Hampden
Alice K. Wolf	25th Middlesex
Peter J. Koutoujian	10th Middlesex
Alice Hanlon Peisch	14th Norfolk
Garrett J. Bradley	3rd Plymouth
David B. Sullivan	6th Bristol
Karen E. Spilka	Second Middlesex and Norfolk
Marian Walsh	Suffolk and Norfolk
A. Stephen Tobin	2nd Norfolk

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

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

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

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

30 (f) The board of education shall establish the information needed in an application for the
31 approval of a charter school; provided, however, that said application shall include but not be
32 limited to a description of: (1) the method for admission to a charter school; (2) the mission,
33 purpose, innovation and specialized focus of the proposed charter school; (3) procedures for
34 teacher evaluation and professional development for teachers and administrators; (4) the school
35 governance and bylaws; (5) the financial plan for the operation of the school; (6) the educational
36 program, instructional methodology and services to be offered to students; (7) the number and
37 qualifications of teachers and administrators to be employed; (8) the organization of the school in

38 terms of ages of students or grades to be taught along with an estimate of the total enrollment of
39 the school; (9) the provision of school facilities and pupil transportation; and (10) a statement of
40 equal educational opportunity which shall state that charter schools shall be open to all students,
41 on a space available basis, and shall not discriminate on the basis of race, color, national origin,
42 creed, sex, gender identity or expression, ethnicity, sexual orientation, mental or physical
43 disability, age, ancestry, athletic performance, special need, or proficiency in the English
44 language, and academic achievement. In the case of a Horace Mann charter school, the
45 application shall include a statement of the non-instructional services which will continue to be
46 provided by the local school district. There shall be no application fee for admission to a charter
47 school.

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

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

56 SECTION 5. Section 5 of chapter 76 of the General Laws, as so appearing, is hereby
57 amended by striking out the last sentence and inserting in place thereof the following sentence:--

58 No person shall be excluded from or discriminated against in admission to a public school of any
59 town, or in obtaining the advantages, privileges and courses of study of such public school on

60 account of race, color, sex, gender identity or expression, religion, national origin or sexual
61 orientation.

62 SECTION 6. Subsection (j) of section 12B of said chapter 76, as so appearing, is hereby
63 amended by striking out the first sentence and inserting in place thereof the following sentence:--

64 (j) School committees may establish terms for accepting non-resident students; provided,
65 however, that if the number of non-resident students applying for acceptance to said district
66 exceeds the number of available seats, said school committee shall select students for admission
67 on a random basis; provided, further, that said school committee shall conduct said random
68 selection twice: one time prior to July first and one time prior to November first; provided,
69 further, that no school committee shall discriminate in the admission of any child on the basis of
70 race, color, religious creed, national origin, sex, gender identity or expression, age, sexual
71 orientation, ancestry, athletic performance, physical handicap, special need or academic
72 performance or proficiency in the English language.

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

75 24. The term “gender identity or expression” shall mean a gender-related identity, appearance,
76 expression, or behavior of an individual, regardless of the individual’s assigned sex at birth.

77 SECTION 8. Subsection 6 of section 3 of chapter 151B of the General Laws, as so
78 appearing, is hereby further amended by striking out the first sentence and inserting in place
79 thereof the following sentence:-- To receive, investigate and pass upon complaints of unlawful
80 practices, as hereinafter defined, alleging discrimination because of the race, color, religious
81 creed, national origin, sex, gender identity or expression, sexual orientation, which shall not

82 include persons whose sexual orientation involves minor children as the sex object, age, ancestry
83 or handicap of any person alleging to be a qualified handicapped person.

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

92 SECTION 10. Said section 3 of said chapter 151B, as so appearing, is hereby further
93 amended by striking out subsection 9 and inserting in place thereof the following subsection:--
94 9. To issue such publication and such results of investigations and research as in its judgment
95 will tend to promote good will and minimize or eliminate discrimination because of the race,
96 color, religious creed, national origin, sex, gender identity or expression, sexual orientation,
97 which shall not include persons whose sexual orientation involves minor children as the sex
98 object, age, genetic information or ancestry.

99 SECTION 11. Section 4 of said chapter 151B is hereby amended by striking out
100 subsection 1, as so appearing, and inserting in place thereof the following subsection:--
101 1. For an employer, by himself or his agent, because of the race, color, religious creed, national
102 origin, sex, gender identity or expression, sexual orientation, which shall not include persons
103 whose sexual orientation involves minor children as the sex object, genetic information, or
104 ancestry of any individual to refuse to hire or employ or to bar or to discharge from employment

105 such individual or to discriminate against such individual in compensation or in terms, conditions
106 or privileges of employment, unless based upon a bona fide occupational qualification.

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

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

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

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

127 orientation, age, genetic information, ancestry or the handicap of a qualified handicapped person,
128 unless based upon a bona fide occupational qualification.

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

131 3A. For any person engaged in the insurance or bonding business, or his agent, to make any
132 inquiry or record of any person seeking a bond or surety bond conditioned upon faithful
133 performance of his duties or to use any form of application in connection with the furnishing of
134 such bond, which seeks information relative to the race, color, religious creed, national origin,
135 sex, gender identity or expression, sexual orientation, which shall not include persons whose
136 sexual orientation involves minor children as the sex object, genetic information, or ancestry of
137 the person to be bonded.

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

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

143 3C. For any person to deny another person access to, or membership or participation in, a
144 multiple listing service, real estate brokers' organization, or other service, organization, or facility
145 relating to the business of selling or renting dwellings, or to discriminate against such person in
146 the terms or conditions of such access, membership, or participation, on account of race, color,
147 religion, sex, gender identity or expression, sexual orientation which shall not include persons
148 whose sexual orientation involves minor children as the sex object, children, national origin,
149 genetic information, ancestry, age, or handicap.

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

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

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

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

189 7. For the owner, lessee, sublessee, real estate broker, assignee or managing agent of other
190 covered housing accommodations or of land intended for the erection of any housing
191 accommodation included under subsection 10, 11, 12, or 13 of section one, or other person
192 having the right of ownership or possession or right to rent or lease or sell, or negotiate for the
193 sale or lease of such land or accommodations, or any agent or employee of such a person or any
194 organization of unit owners in a condominium or housing cooperative: (a) to refuse to rent or
195 lease or sell or negotiate for sale or lease or otherwise to deny or withhold from any person or

196 group of persons such accommodations or land because of race, color, religious creed, national
197 origin, sex, gender identity or expression, sexual orientation, which shall not include persons
198 whose sexual orientation involves minor children as the sex object, age, genetic information,
199 ancestry, or marital status, veteran status or membership in the armed forces, blindness, hearing
200 impairment, or because such person possesses a trained dog guide as a consequence of blindness
201 or hearing impairment or other handicap of such person or persons; (b) to discriminate against
202 any person because of his race, color, religious creed, national origin, sex, gender identity or
203 expression, sexual orientation, which shall not include persons whose sexual orientation involves
204 minor children as the sex object, age, genetic information, ancestry, or marital status, veteran
205 status or membership in the armed services, blindness, or hearing impairment or other handicap,
206 or because such person possesses a trained dog guide as a consequence of blindness or hearing
207 impairment in the terms, conditions or privileges of such accommodations or land or the
208 acquisition thereof, or in the furnishing of facilities and services in the connection therewith or
209 (c) to cause to be made any written or oral inquiry or record concerning the race, color, religious
210 creed, national origin, sex, gender identity or expression, sexual orientation, which shall not
211 include persons whose sexual orientation involves minor children as the sex object, age, genetic
212 information, ancestry, marital status, veteran status or membership in the armed services,
213 blindness, hearing impairment or other handicap or because such person possesses a trained dog
214 guide as a consequence of blindness or hearing impairment, of the person seeking to rent or lease
215 or buy any such accommodation or land; provided, however, that this subsection shall not apply
216 to the leasing of a single apartment or flat in a two family dwelling, the other occupancy unit of
217 which is occupied by the owner as his residence. The word "age" as used in this subsection shall
218 not apply to persons who are minors nor to residency in state-aided or federally-aided housing

219 developments for the elderly nor to residency in housing developments assisted under the federal
220 low income housing tax credit and intended for use as housing for persons 55 years of age or
221 over or 62 years of age or over, nor to residency in communities consisting of either a structure
222 or structures constructed expressly for use as housing for persons 55 years of age or over or 62
223 years of age or over if the housing owner or manager register biennially with the department of
224 housing and community development. For the purpose of this subsection, housing intended for
225 occupancy by persons fifty-five or over and sixty-two or over shall comply with the provisions
226 set forth in 42 USC 3601 et seq.

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

229 7B. For any person to make print, or publish, or cause to be made, printed, or published any
230 notice, statement or advertisement, with respect to the sale or rental of multiple dwelling,
231 contiguously located, publicly assisted or other covered housing accommodations that indicates
232 any preference, limitation, or discrimination based on race, color, religion, sex, gender identity or
233 expression, sexual orientation which shall not include persons whose sexual orientation involves
234 minor children as the sex object, national origin, genetic information, ancestry, children, marital
235 status, public assistance reciprocity, or handicap or an intention to make any such preference,
236 limitation or discrimination except where otherwise legally permitted.

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

239 8. For the owner, lessee, sublessee, or managing agent of, or other person having the right of
240 ownership or possession of or the right to sell, rent or lease, commercial space: (1) To refuse to
241 sell, rent, lease or otherwise deny to or withhold from any person or group of persons such

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

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

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

263 (a) implicit or explicit representations regarding the entry or prospective entry into the
264 neighborhood of a person or persons of a particular age, race, color, religion, sex, gender identity

265 or expression, national or ethnic origin, or economic level or a handicapped person, or a person
266 having a child, or implicit or explicit representations regarding the effects or consequences of
267 any such entry or prospective entry;

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

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

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

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

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

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

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

311 blindness, or any physical or mental disability, in the full enjoyment of the accommodations,
312 advantages, facilities or privileges offered to the general public by such places of public
313 accommodation, resort or amusement.

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

317 A place of public accommodation, resort or amusement within the meaning hereof shall be
318 defined as and shall be deemed to include any place, whether licensed or unlicensed, which is
319 open to and accepts or solicits the patronage of the general public and, without limiting the
320 generality of this definition, whether or not it be (1) an inn, tavern, hotel, shelter, roadhouse,
321 motel, trailer camp or resort for transient or permanent guests or patrons seeking housing or
322 lodging, food, drink, entertainment, health, recreation or rest; (2) a carrier, conveyance or
323 elevator for the transportation of persons, whether operated on land, water or in the air, and the
324 stations, terminals and facilities appurtenant thereto; (3) a gas station, garage, retail store or
325 establishment, including those dispensing personal services; (4) a restaurant, bar or eating place,
326 where food, beverages, confections or their derivatives are sold for consumption on or off the
327 premises; (5) a rest room, barber shop, beauty parlor, bathhouse, seashore facilities or swimming
328 pool, except such rest room, bathhouse or seashore facility as may be segregated on the basis of
329 sex; (6) a boardwalk or other public highway; (7) an auditorium, theatre, music hall, meeting
330 place or hall, including the common halls of buildings; (8) a place of public amusement,
331 recreation, sport, exercise or entertainment; (9) a public library, museum or planetarium; or (10)
332 a hospital, dispensary or clinic operating for profit; provided, however, that with regard to the
333 prohibition on sex discrimination, this section shall not apply to a place of exercise for the

334 exclusive use of persons of the same sex which is a bona fide fitness facility established for the
335 sole purpose of promoting and maintaining physical and mental health through physical exercise
336 and instruction, if such facility does not receive funds from a government source, nor to any
337 corporation or entity authorized, created or chartered by federal law for the express purpose of
338 promoting the health, social, educational vocational, and character development of a single sex;
339 provided, further, that with regard to the prohibition of sex discrimination, those establishments
340 which rent rooms on a temporary or permanent basis for the exclusive use of persons of the same
341 sex shall not be considered places of public accommodation and shall not apply to any other part
342 of such an establishment. The exceptions to the prohibitions of sex discrimination stated herein
343 shall only apply to the extent such places of public accommodation, resort or amusement allow
344 persons the full enjoyment of the accommodations consistent with an individual's gender identity
345 or expression.

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

357 however, that such civil forfeiture shall be of an amount not less than three hundred dollars; but
358 such person so aggrieved shall not recover against more than one person by reason of any one act
359 of distinction, discrimination or restriction.

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

363 The governor shall appoint an advisory board to the commission, consisting of not less than
364 twenty-one persons, who shall serve at his pleasure. The members of said board shall include
365 representatives of each of the local or regional advisory boards; owners and brokers of residential
366 property; major lending and credit institutions; major private employers; a designee of the civil
367 service commission; post-secondary educational institutions; major labor organizations; minority
368 racial, ethnic and linguistic groups; women; people of diverse gender identities or expressions;
369 elderly and handicapped persons; and recipients of public assistance. The board shall advise the
370 commission and the governor on matters of policy affecting the commission, and shall review
371 the implementation of the commission's programs and policies and from time to time report their
372 conclusions to the commission and the governor. The board shall coordinate the activities of the
373 local or regional advisory boards appointed pursuant to subsection 8 of section three of chapter
374 one hundred and fifty-one B. The governor shall from time to time designate one member as
375 chairman. The members of the board shall not be compensated for their services, but they shall
376 be reimbursed for travel and other expenses necessary for the performance of their duties. The
377 commission may provide technical and clerical assistance to the advisory board.

378 SECTION 28. Section 67 of chapter 3 of the General Laws, as so appearing, is hereby
379 amended by striking out the section title and inserting in place thereof the following section

380 title:-- § 67. Commission on gay, and lesbian, bisexual and transgender youth; membership;
381 terms; powers and duties

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

384 (a) There shall be a permanent commission on gay, and lesbian, bisexual and transgender youth,
385 which shall consist of 27 persons as follows: 3 persons appointed by the Massachusetts chapter
386 of the National Association of Social Workers, 3 persons appointed by the Massachusetts
387 Coalition for Suicide Prevention, 2 persons appointed by the Fenway Community Health Center,
388 4 persons appointed by the Greater Boston Parents, Families and Friends of Lesbians and Gays,
389 2 persons appointed by the Massachusetts Gay and Lesbian Political Caucus, 1 person appointed
390 by MassEquality, 1 persons appointed by the Massachusetts Teachers Association, 1 persons
391 appointed by AFT Massachusetts, 3 persons appointed by the Massachusetts Chapter of the
392 American Academy of Pediatrics, 2 persons appointed by the Gay, Lesbian and Straight
393 Education Network of Boston, 2 persons appointed by the Massachusetts Public Health
394 Association, and 3 persons appointed by the Massachusetts Association of School
395 Superintendents. The membership of the commission shall include at least 1 parent of a gay, and
396 lesbian, bisexual or transgender person; 1 high school student; 1 college student; 1
397 representative from an educational institution; and 1 representative of the mental health
398 professions. Members of the commission shall be drawn from diverse racial, ethnic, religious,
399 age, sexual-orientation, gender identity or expression and socio-economic backgrounds from
400 throughout the commonwealth. Members shall be considered special state employees for
401 purposes of chapter 268A of the General Laws. The commission shall be an independent agency
402 of the commonwealth and shall not be subject to the control of any other department or agency.

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

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

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

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