

SENATE No. 2213

Senate April 25, 2019, – Text of the Senate Bill relative to gender identity on Massachusetts identification (being the text of Senate document number 2203, printed as amended)

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to gender identity on Massachusetts identification.

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 13 of chapter 46 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out subsection (e) and inserting in place thereof
3 the following subsection:-

4 (e) A person who is over the age of 18 or who is an emancipated minor, or the parent or
5 guardian of a person who is a minor, may request a change in the sex designation on the person’s
6 birth record to a sex designation including, but not limited to, “female”, “male” or “X.” An “X”
7 designation may indicate that the person is another gender or an undesignated gender. A request
8 for a change in the sex designation on a birth record shall be accompanied by an affidavit
9 executed under the penalty of perjury by the person to whom the record relates, or by the parent
10 or guardian of the person if the person is a minor, attesting that the request is to conform to the
11 person’s gender identity and is not made for any fraudulent purpose; provided, however, that no
12 medical or health-care related documentation, court order or proof of change of name shall be

13 required by a town clerk or other official in connection with a request under this subsection. The
14 department of public health may promulgate regulations to implement this subsection.

15 SECTION 2. Chapter 90 of the General Laws is hereby amended by inserting after
16 section 8M the following section:-

17 Section 8N. The registry of motor vehicles shall permit a person submitting an
18 application under sections 8, 8B or 8E of this chapter or section 34B of chapter 138 to designate
19 “X” , “M” or “F” for gender on an application for a driver’s license, learner’s permit,
20 identification card or liquor purchase identification card. No documentation shall be required for
21 such a designation.

22 The registrar of motor vehicles may promulgate regulations to implement this section.

23 SECTION 3. The secretary of administration and finance shall develop a plan to ensure
24 that any state form or document issued by a state agency that requires an individual to indicate
25 the individual’s gender shall provide an opportunity for the individual to choose a gender option
26 other than male or female; provided, however, that the secretary shall ensure that such a form or
27 document complies with applicable federal rules and regulations. The secretary shall submit the
28 plan to the clerks of the senate and house of representatives and the senate and house committees
29 on ways and means not later than July 1, 2020.

30 SECTION 4. Section 1 shall take effect on January 1, 2020.