

**SENATE . . . . . No. 2429**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

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 2022  
2 Official Edition, is hereby amended by striking out subsection (e) and inserting in place thereof  
3 the following subsection:-

4           (e) (1) A person who is over the age of 18 or who is an emancipated minor, or the parent  
5 or guardian of a person who is a minor, may request a change in the sex designation on the  
6 person’s birth record to a sex designation including, but not limited to, “female”, “male” or “X”.  
7 An “X” designation may indicate that the person is another gender or an undesignated gender. A  
8 request 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 healthcare 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 paragraph.

14 (2) A person who is over the age of 18 or who is an emancipated minor, or the parent or  
15 guardian of a person who is a minor, who requests a change in, the sex designation on the  
16 person's birth record pursuant to paragraph (1) may request a change of name on the person's  
17 birth record. A request for a change of name on a birth record shall be accompanied by a  
18 certified copy of the legal change of name; provided, however, that no medical or healthcare  
19 related documentation shall be required by a town clerk or other official in connection with a  
20 request under this paragraph.

21 (3) A person who is over the age of 18 or who is an emancipated minor, or the parent or  
22 guardian of a person who is a minor, who has changed the sex designation on the person's birth  
23 record pursuant to paragraph (1) but did not request a change of name on the person's birth  
24 record pursuant to paragraph (2) may request a change of name on the person's birth record  
25 within 3 years from the date of the change in the sex designation on the person's birth record  
26 pursuant to said paragraph (1); provided, however, that a person whose sex designation on their  
27 birth record was changed while the person was a minor shall have 3 years from the date of their  
28 eighteenth birthday to request a change of name on the person's birth record; provided further  
29 that the department may waive the 3 year limitation for a person that demonstrates good cause,  
30 as determined by the department. A request for a change of name on a birth record shall be  
31 accompanied by a certified copy of the legal change of name; provided, however, that no  
32 medical or healthcare related documentation shall be required by a town clerk or other official in  
33 connection with a request under this paragraph.

34 (4) The department of public health may promulgate regulations to implement this  
35 subsection.

36 SECTION 1A. Said section 13 of said chapter 46, as so appearing, is hereby further  
37 amended by adding the following subsection:-

38 (1)(1) The state registrar or town clerk shall amend a certificate of marriage for a person  
39 who has a certificate of marriage and submits an application in a form approved by the  
40 department that includes:

41 (i) an affidavit executed by the person to whom the record change relates attesting, under  
42 penalty of perjury, that: (A) the request is to conform to the affiant's gender identity; (B) the  
43 request is not made for any fraudulent purpose; and (C) the marriage is still legally intact; and

44 (ii) a notarized statement from the spouse named on the certificate of marriage to be  
45 amended consenting to the amendment of the certificate of marriage.

46 (2) A person may amend a gender designation on a certificate of marriage to a gender  
47 designation including, but not limited to, "female", "male" or "X". An "X" designation may  
48 indicate that the person is another gender or an undesignated gender.

49 (3) A person may request to amend their name on a certificate of marriage. A request for  
50 a change of name on a certificate of marriage shall be accompanied by a certified copy of the  
51 legal change of name; provided, however, that no medical or healthcare related documentation  
52 shall be required by a town clerk or other official in connection with a request under this  
53 subsection.

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

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

61           The registrar of motor vehicles shall report annually to the chairs of the joint committee  
62 on transportation on the number of people, indicated by race and ethnicity, who choose an “X”  
63 designation on their driver’s license, learner’s permit, identification card or liquor purchase  
64 identification card; provided, however, that data included in the report shall be de-identified so  
65 that the identification of an individual person cannot be ascertained.

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

67           SECTION 3. The secretary of administration and finance shall develop a plan, including  
68 estimated costs and a proposed timeline for implementation, to ensure that any state form or  
69 document issued by a state agency that requires an individual to indicate the individual’s gender  
70 shall provide an opportunity for the individual to choose a gender option other than male or  
71 female; provided, however, that the secretary shall ensure that such a form or document complies  
72 with applicable federal rules and regulations. The secretary shall submit the plan to the clerks of  
73 the senate and house of representatives and the senate and house committees on ways and means  
74 not later than January 1, 2025.

75           SECTION 4. Not later than 6 months after the effective date of this act, the registry of  
76 motor vehicles, the state secretary and any state agency that interacts with youth or young adults  
77 in their care or provides youth or young adults with legal assistance, including, but not limited to,

78 the department of children and families, the department of youth services, the department of  
79 mental health and the committee for public counsel services, shall develop materials for  
80 dissemination to inform youth and young adults of the options regarding sex and gender  
81 designations on state forms and documents pursuant to this act and develop processes to assist  
82 youth and young adults who wish to change their gender designation.

83 SECTION 5. Section 1 shall take effect on July 1, 2024.