

SENATE No. 2540

Senate, September 23, 2021 -- Text of the Senate Bill relative to gender identity on
Massachusetts identification (being the text of Senate, No. 2533, printed as amended).

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 2020
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 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 paragraph.

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

20 (3) A person, or the parent or guardian of a person who is a minor, who has changed the
21 sex designation on the person's birth record pursuant to paragraph (1) but did not request a
22 change of name on the person's birth record pursuant to paragraph (2) may request a change of
23 name on the person's birth record within 3 years from the date the change of the sex designation
24 on the person's birth record pursuant to said paragraph (1) was made; provided, however, that a
25 person whose sex designation on their birth record was changed while the person was a minor
26 shall have 3 years from the date of their eighteenth birthday to request a change of name on the
27 person's birth record. A request for a change of name on a birth record shall be accompanied by
28 a certified copy of the legal change of name; provided, however, that no medical or health-care
29 related documentation shall be required by a town clerk or other official in connection with a
30 request under this paragraph.

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

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

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

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

41 SECTION 3. The secretary of administration and finance shall develop a plan, including
42 estimated costs and a proposed timeline for implementation, to ensure that any state form or
43 document issued by a state agency that requires an individual to indicate the individual’s gender
44 shall provide an opportunity for the individual to choose a gender option other than male or
45 female; provided, however, that the secretary shall ensure that such a form or document complies
46 with applicable federal rules and regulations. The secretary shall submit the plan to the clerks of
47 the senate and house of representatives and the senate and house committees on ways and means
48 not later than January 1, 2023.

49 SECTION 4. Section 1 shall take effect on July 1, 2022.