



NO BATHROOM BILL

www.NoBathroomBill.com

HB4253

An Act Relative to Gender Identity and
Non-Discrimination

THE TRUTH ABOUT THE BATHROOM BILL

DIDN'T WE ALREADY PASS A TRANSGENDER RIGHTS BILL?

In 2011, the Massachusetts legislature passed a bill that granted certain special rights to individuals with "gender identity disorder." Fortunately, the **BATHROOM BILL** aspects of the legislation were intentionally removed.

Public accommodations language was specifically taken out of the 2011 bill in order for it to pass. This was a victory for the safety, privacy and modesty of women and children who expect to be secure in public bathrooms.

Now, as they promised to do four years ago, transgender activists are back, fighting specifically to get the law changed to include **public accommodations**, i.e. bathrooms, locker rooms, fitness centers, homeless shelters, etc. Advocates of this bill are claiming that it is necessary to prevent discrimination, but that was the purpose of the Transgender Rights law passed in 2011. This bill is primarily about getting access to the 'lawfully sex-segregated facilities' that legislators, for good reason, refused to include in the prior bill.

WHAT IS "TRANSGENDERISM" OR "GENDER IDENTITY?"

"Gender identity or expression" is defined in MA law as "gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth." The law does NOT require any medical history or even consistency of expression to prove one's "gender identity." For example, this could mean a man wearing a wig or a dress, but it could also mean a man who simply says he feels like a woman.

How are business owners and law enforcement officials expected to determine the difference?

In **Maine**, the Denny's Restaurant chain no longer designates gender-specificity for its restrooms because of a lawsuit brought by a transgendered man. When a female patron complained about the man using the women's restroom the restaurant instructed him to use the men's room. The transgendered man then filed a claim under the Maine nondiscrimination law and pursued legal action to once again gain access to the women's restroom. Eventually the suit was settled when Denny's changed its policy regarding restroom use. The Denny's restaurant chain in Maine no longer restricts access to its restrooms based upon gender.

IS THIS WORKING IN OTHER STATES?

WHAT HAPPENED WHEN BOSTON PASSED A CITY-WIDE BATHROOM BILL?

Some Massachusetts cities have passed local **BATHROOM BILLS**. These have also lead to problems. For example, a Boston man was arrested for refusing to leave the bathroom in a women's shelter and was recently awarded \$20,000 of taxpayer money after he sued the city under Boston's transgender bathroom law. If HB4253 is passed, it would allow for incidents like this to spread throughout the entire Commonwealth.

PUBLIC ACCOMMODATIONS INCLUDE:



Bathrooms



Shelters



Churches



Dressing Rooms



Locker Rooms



Fitness Centers



Nursing Homes

BAD FOR BUSINESS\$

The **BATHROOM BILL** carries a number of unintended consequences that could negatively impact the Bay State's business community.

- **Businesses can face criminal prosecution.** This bill opens businesses to criminal prosecution if they are accused of discrimination on the basis of gender identity. Under HB4253, even the standard male/female bathroom designation signs could be considered illegal discrimination. Penalties for violations would include fines and even imprisonment!
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- **Businesses will be forced to let men use the women's restrooms.** This bill prevents a business from treating customers differently due to gender identity, but fails to make exceptions for restrooms on the business's premises. This is a no-win situation for businesses: Comply with the law, and make employees or customers uncomfortable by letting men use the women's restrooms, or ignore the law, and face expensive battles in court.
 - **Expands state government.** The law gives even more power to the Massachusetts Commission Against Discrimination (MCAD), which is tasked with receiving, investigating, and mediating allegations of gender identity discrimination. This constitutes an expansion of ideologically motivated state bureaucracy into the daily affairs of businesses small and large.

WHAT THIS LAW WOULD DO

- Open all public bathrooms and locker rooms for use by any gender
- Discipline students who voice their discomfort at cross-gender bathroom use in their school
- Punish businesses and individuals with fines or even jail time for not recognizing an individual's chosen "gender identity"
- Force single-sex school sports teams to accept student athletes of any gender, creating chaotic locker room situations and dangerous on-field environments
- Target women's-only fitness centers, shelters, and other single-sex facilities

WHAT THIS LAW WOULD NOT DO

- Protect the privacy, safety or modesty of women and children
- Provide any religious exemptions for churches or faith-based organizations