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Written Testimony of Sarah Warbelow, State Legislative Director for the Human Rights Campaign,
in Support of House Bill 1589/ Senate Bill 643: An Act Relative to Equal Access in Hospitals, Public Transportation, Nursing Homes, Supermarkets, Retail Establishments, and All Other Places Open to the Public
to
The Joint Committee on the Judiciary
July 9, 2013

Dear Senator Clark, Representative O'Flaherty, and members of the Joint Committee on the Judiciary:

My name is Sarah Warbelow, and I am the State Legislative Director for the Human Rights Campaign (HRC), America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBT citizens and realize a nation that achieves fundamental fairness and equality for all. On behalf of our over one and a half million members and supporters nationwide, including more than 47,900 in Massachusetts, I am honored to submit this statement in support of House Bill 1589/ Senate Bill 643, An Act Relative to Equal Access, which would prohibit discrimination in public accommodations on the basis of gender identity and expression.

Massachusetts has a proud history of extending protections for minorities and being a leader on civil rights. The people of the Bay State are known for valuing liberty and holding a respect for privacy. Anti-discrimination laws, including those related to public accommodations, put those values into practice. They send a strong message that all of Massachusetts's residents matter. Today it is time to protect the most vulnerable among us by extending civil rights protections to ensure that transgender people have equal access to public accommodations throughout Massachusetts.

In a report HRC conducted last year, we found that 92% of LGBT youth say they hear negative messages about being LGBT, and six out of ten LGBT youth report hearing negative messages about being LGBT from their elected leaders. More than four in ten LGBT youth state that their state government is not accepting of LGBT people, and 63% of LGBT youth say they will need to move from where they currently live in order to feel accepted. Much of the vitriol youth hear has come from false



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statements made regarding access to public accommodations for transgender people. No state, including Massachusetts, can afford to lose young talent because young people feel unwelcome or are unprotected by state law. House Bill 1589/ Senate Bill 643 would provide Massachusetts youth with the same protections, both now and in the future, outside of school as they receive within the school walls.

The time has long since passed when we as a nation ought to tolerate arbitrary discrimination against any group of people. I cannot overstate the real-life implications of this bill for Massachusetts. That any transgender person should be denied the ability to participate fully in public life is simply unacceptable.

Discrimination against transgender people in public accommodations is not an abstract theory but rather routine lived reality for many people. Transgender people are denied access to hospitals, receive less favorable customer service, are outright refused service, and experience being told they are not welcome to utilize trains and buses. This bill does not prevent business owners from ousting belligerent customers nor does it prevent a nursing home proprietor from turning away unqualified applicants. Instead, this bill simply ensures that all people get a fair chance to participate in public life without discrimination or bias and that no one is singled out for arbitrary discrimination in areas such as hospitals, public parks, restaurants, theaters, public transportation, or nursing homes.

Passage of House Bill 1589/ Senate Bill 643 would rectify what is a significant lack of civil rights protections for Bay Staters, and would put Massachusetts in good company. Beginning with a law passed in Minnesota in 1993, 16 states and the District of Columbia have enacted laws prohibiting discrimination based on gender identity in public accommodations.

The time has come for Massachusetts to finally act and ensure that discrimination has no place in this great state. Please vote in favor of House Bill 1589/ Senate Bill 643.