

**TALKING POINTS**  
**Bill 23-07 - Gender Identity**  
Montgomery County, Maryland  
**Prepared by: Citizens for a Responsible Government**

**THE LAW:**

- o A law was passed on in Montgomery County, Maryland on November 20, 2007 which adds "gender identity" as a protected class in Montgomery County's existing anti-discrimination bill.

Unanimously approved by ALL 8 members of the County Council  
Signed into law by County Executive Ike Leggett

**THE PROBLEM:**

- o **Broad definition of "gender identity."** Bill 23-07 defines "gender identity" as:

"an individual's actual or perceived gender, including a person's gender-related appearance, expression, image, identity or behavior, whether or not those gender-related characteristics differ from the characteristics customarily associated with the person's assigned sex at birth."

- o **No exemption for bathrooms, showers and locker rooms, which are "facilities" at public accommodations.** (Public accommodations include restaurants, gymnasiums, movie theatres, department stores, etc.) After Bill 23-07, the public accommodations non-discrimination code reads: "An ..agent..of any place of public accommodation in the County must not, with respect to the accommodation: .....make any distinction with respect to ...gender identity in connection with... use of any facility (bathrooms, lockers or showers)..."

- o **Human Rights Commission Interpretation.** The County Council's internal discussion of Bill 23-07, and specifically the bathroom issue, indicated that if Bill 23-07 were "silent" on the issue of bathrooms, the Human Rights Commission would:

"if Bill 2307 were silent on the issue of public facilities they would interpret the bill as allowing a person to use facilities based on that person's gender identity."

- o **Extreme Bill.** This bill is so extreme that unlike some other jurisdictions and the federal ENDA proposal (proposed by Rep. Barney Frank, D.-Mass):

- Bill 23-07 has no exemption for renters looking for roommates
- Bill 23-07's definition of "gender identity" is so broad, cross dressers are included
- Bill 23-07 has no exemption for religious organizations
- Bill 23-07 has no exemption for religious educational institutions
- Bill 23-07 has no exemption for places of shared nudity
- Bill 23-07 has no exemption for small businesses (less than 15 employees)

- o **No Reasonable Provisions.** As noted above, a similar federal non-discrimination plan proposed by homosexual Rep. Barney Frank, D-Mass., includes a provision that would prevent "transgenders" from using opposite-sex public facilities in which being seen "fully unclothed" was unavoidable. Correspondence with the county staff shows that such a provision was considered, and deliberately rejected.
- o **Transgenderism is a gender identity disorder.** "Gender Identity Disorder" is classified as a mental disorder by the American Psychiatric Association. Legal protection against discrimination based on mental illness is not provided for any other disorder, and there is no rational explanation why it should be offered for this one. Those who wish to assume a "gender identity" contrary to their biological sex are in need of mental health treatment to overcome such disturbed thinking, not legislation to affirm it.

### **THE CONFUSION:**

- o **County Council's Bathroom Amendment.** Before it was passed, Bill 23-07 included an amendment which specifically ALLOWED access to bathrooms, showers and locker room facilities based upon a person's "gender identity." The Council removed this specific language, but the removal of this language did NOTHING to alter the bill's meaning. The language in the law still allows full access to bathrooms, showers and locker rooms based upon a person's "gender identity." Translation: Men (who feel they are women) will have full access to women's bathrooms, showers and locker rooms.
- o **"Distinctly Personal and Private."** Council Members and the County Executive tell concerned constituents that "distinctly private and personal" in the public accommodation code refers to bathrooms, showers and locker rooms. This is untrue. "Distinctly private and personal" is substantiated by years of case law as referring to private organizations such as the Boy Scouts. In fact, it was the "distinctly private and personal" clause that Sport and Health recently pointed to in Montgomery County to claim they are a "membership based" organization, and thus exempt from the law. The Montgomery County Council has been sending out automated standard email replies on the subject and seems unwilling to discuss the issue.

### **THE SOLUTION: CAN BILL 23-07 BE OVERTURNED?**

**Yes, Bill 23-07 CAN be overturned, with the help of Montgomery County residents.** Citizens for a Responsible Government is working to get Bill 23-07 on the ballot in November, via a referendum. Twenty five thousand signatures from Montgomery County citizens are needed by **February 16, 2008** to get the gender identity amendment on the ballot. 12,500 of those signatures need to be collected by **February 4, 2008**. If this first deadline is not met, then the referendum drive is over. As of January 31, 2008, 11,300 "raw" signatures have been collected and CRG is urging all residents to **TURN IN THEIR SIGNATURES THIS WEEKEND.**

**To get a petition, please visit [www.notmyshower.net](http://www.notmyshower.net).**