

March 5, 2023

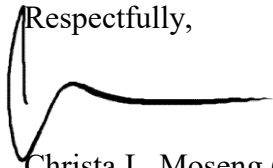
Chair Becker-Finn and Members of the Committee,

The Minnesota Human Rights Act, Minn. Stat. Ch. 363A, protects the civil rights of people whose gender identity is inconsistent with the sex assigned to them at birth. It does so by defining gender identity as part of the Act's definition of sexual orientation. Sections 1 and 2 of HF1655 would remove the definition of gender identity from the existing definition of sexual orientation, place it in its own subsection, and modernize the definition in a manner similar to more recent legislation elsewhere.¹

However, unless the legislature also causes the rest of Chapter 363A to also use the newly defined term where it currently employs the term "sexual orientation," the effect may not be consistent with that apparently intended by the bill. It could, instead, have the opposite effect—effectively removing protections that currently exist. The law would appear to gain a definition that is not given any substantive effect by the Human Rights Act, and remove gender identity from the defined term that is used throughout the Chapter. For example, in their current form, Minn. Stat. 363A.02, subd. 1, items (1)–(5) protect sexual orientation, but would not protect gender identity if the introduced version of the bill is passed without modification.

If the definitions are separated but the intent is not to modify the protections for gender identity that currently exist under Chapter 363A, places where sexual orientation is currently listed among protected classes in Chapter 363A should also list gender identity. The Senate Judiciary and Public Safety Committee amended the Senate companion to this bill to address this issue.²

Respectfully,

A handwritten signature in black ink, appearing to read "Christa L. Moseng". The signature is fluid and cursive, starting with a large loop on the left and ending with a horizontal stroke on the right.

Christa L. Moseng (#0388830)

¹ See, e.g., Minneapolis Ord. No. 2019-053, codified at MINNEAPOLIS, MINN., MUN. CODE § 139.20.

² See SF1886 A2 AMENDMENT, available at https://www.senate.mn/committees/2023-2024/3128_Committee_on_Judiciary_and_Public_Safety/SF1886%20A2%20amendment.pdf