

March 1, 2023

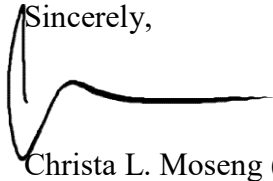
Chair Latz and Members of the Committee,

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. Sections 1 and 2 of SF 1886 would pull the definition of gender identity from the existing definition of sexual orientation, and modernize the definition in a manner similar to more recent legislation elsewhere.<sup>1</sup>

However, unless the legislature also causes the rest of Chapter 363A to also use the new definition 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 effect, and remove a class from the defined term used throughout the Chapter. For example, in its current form, Minn. Stat. 363A.02, subd. 1, items (1)–(5) protect sexual orientation, but do not protect gender identity.

If the definitions are separated but the intent is not to modify the protections that currently exist under Chapter 363A, places where sexual orientation is currently listed among protected classes in Chapter 363A should also list gender identity.

Sincerely,

A handwritten signature in black ink, appearing to read "Christa L. Moseng". The signature is written in a cursive style with a large initial "C" and a long horizontal stroke.

Christa L. Moseng (#0388830)

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<sup>1</sup> See Minneapolis Ord. No. 2019-053, codified at MINNEAPOLIS, MINN., MUN. CODE § 139.20.