2019 STATE EQUALITY INDEX

A Review of State Legislation Affecting the Lesbian, Gay, Bisexual, Transgender and Queer Community and a Look Ahead in 2020
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As lesbian, gay, bisexual, transgender and queer (LGBTQ) people continue to face an onslaught of attacks from the federal administration in Washington, states have been instrumental in advancing equality through pro-LGBTQ legislation, policies and proposals.

As this report makes clear, the progress we have seen over the past year has been crucial, but we know there is much more work to be done to protect and empower LGBTQ people in this country — especially our nation’s most marginalized.

The past year’s successes and the vital work ahead would not be possible without our partners at the Equality Federation Institute and the statewide LGBTQ organizations and leaders who work to ensure that every person can build a bright future for themselves and their families in the places they call home.

Together, and with your help, we are working toward a country that can someday deliver on its fundamental promise of equality for all.

Sincerely,

ALPHONSO DAVID
President
Human Rights Campaign Foundation

The State Equality Index highlights how far we have come in the fight for LGBTQ equality in each state. For years, we’ve been working with our member organizations to pave the way for nationwide protections by winning state and municipal laws that make discrimination illegal. We’re keeping that momentum going.

State equality organizations know that state-based nondiscrimination legislation combined with the Equality Act are the most secure ways to protect LGBTQ people. We have big plans for a future where we can thrive in all the places we call home.

In 2019, we supported our member organizations in introducing more than twice as many “good” bills, which passed at an even higher rate than the “bad” bills introduced. Together we were able to ban conversion therapy in four states, continue to protect marriage equality, develop suicide prevention policies, ensure greater access to healthcare, protect the rights of transgender people, and pass inclusive LGBTQ curriculum laws.

We also saw some heartbreaks in 2019 starting with an onslaught of anti-LGBTQ bills. Opponents of equality attacked transgender kids, delivered major setbacks for reproductive justice, attempted to block healthcare access, attempted to bar LGBTQ families from adopting, and continued to defend so-called “conversion therapy.”

We already know that the dignity and safety of transgender kids will be under attack in 2020. Recently, South Carolina introduced a bill to make it illegal for transgender kids to receive identity-affirming care and for doctors to provide that care. The bill goes directly against medical best practices as assigned by the American Academy of Pediatrics. Similar bills have also been announced in Georgia and South Dakota. Risking the lives of millions of young people is wrong and unethical. Equality Federation is working closely with Georgia Equality and Equality South Dakota to protect transgender kids in every city and stop this from becoming a national trend.

We will fight back attempts to chip away at our rights and play offense whenever there’s an opportunity to make progress. During the legislative session our policy and communications staff are helping states pass important bills that will positively affect the rights of LGBTQ people. This year, we will work with members on a host of issues, including nondiscrimination legislation in places like Virginia and Ohio.

We are able to do all of this because our state equality organizations, supporters, and activists continue to fight. Together, we are impacting the lives of millions of LGBTQ Americans. We can, and we will win this fight.

In solidarity,

REBECCA ISAACS
Executive Director
Equality Federation Institute
SUMMARY OF STATE DEVELOPMENTS IN 2019

In 2019, the LGBTQ movement saw tremendous momentum on good bills. This map shows the states that passed laws pertaining to LGBTQ equality in their respective SEI categories this year.

This year’s legislative victories set the stage for future advances to further LGBTQ equality. States continued to pass legislation that would protect youth from so-called “conversion therapy”, eliminate the LGBTQ panic defense, and expand non-discrimination protections to all LGBTQ people.

For a full review of state legislation that was introduced, considered, passed, or failed in 2019, please see HRC.ORG/SEI.

- Religious Refusal & Relationship Recognition
- Parenting Laws
- Non-Discrimination Laws
- Hate Crimes & Criminal Justice
- Youth Laws
- Health & Safety
PARENTING

Several states were successful in updating parenting laws to be more inclusive of same-sex couples. Both Maryland and Virginia passed laws clarifying assistive reproduction law in a way that affords LGBTQ couples the same rights as heterosexual couples under existing parentage statutes.

Additionally, both the Tennessee and Kentucky state legislatures attempted to pass measures allowing taxpayer-funded child welfare agencies to turn away qualified prospective parents seeking to care for a child in need, including LGBTQ couples, interfaith couples, single parents, married couples in which one prospective parent has previously been divorced, or other parents to whom the agency has a religious objection. Ultimately, these efforts were not successful in 2019.

RELATIONSHIP RECOGNITION/RELIGIOUS REFUSAL

Over the past year, states considered legislation that would expand the scope of religious refusals to allow anti-LGBTQ discrimination by both private and public entities. In particular, Texas and Iowa introduced bills that created broad religious carve-outs, including recusal for government officials from the performance of certain marriage ceremonies. Additionally, several of these bills prohibit governments from enforcing nondiscrimination laws and policies if a professional who provides “marriage-related” services refuses service to LGBTQ individuals. These professional categories include those who are employed in photography, floral arrangements, publishing, and car service rentals. Fortunately, none of these bills successfully progressed through their state legislatures. However, a handful of bills concerning enforcement of nondiscrimination rules on college campuses passed in Arkansas, Iowa, and South Dakota. These bills prohibit state-supported institutions of higher education from requiring student groups to allow all students to join the organization in a nondiscriminatory manner consistent with Supreme Court precedent.

Over the past year, states considered legislation that would expand the scope of religious refusals to allow anti-LGBTQ discrimination by both private and public entities.
NON-DISCRIMINATION

This year, several states attempted to undermine nondiscrimination measures. Texas, Tennessee, Florida and West Virginia all considered legislation that would prohibit the adoption or enforcement of local measures that create protections for LGBTQ people that don’t already exist under state law. In Texas, bills targeting paid family leave, predictive scheduling, and paid time off would have undermined vital non-discrimination protections that Texans have only at the local level. Tennessee continued pushing a bill that would prohibit cities from adopting contractor non-discrimination policies, and Florida contemplated legislation that would have undermined non-discrimination ordinances and local conversion therapy bans.

Additionally, states such as Massachusetts, Missouri, and Tennessee introduced legislation targeting transgender people’s access to gender-segregated facilities, such as locker rooms or bathrooms, that conform to their gender identity. Tennessee passed a bill that purportedly expands Tennessee’s indecent exposure laws, but although the bill was heavily amended to remove the most harmful anti-transgender language, the bill still could put transgender and non-binary people at increased risk of harassment and entanglement with law enforcement simply for using restrooms and locker rooms consistent with their gender identity.

HATE CRIMES AND CRIMINAL JUSTICE

2019 saw promising developments in state hate crime laws. Five states - Hawaii, Connecticut, Maine, New York, and Nevada - enacted laws banning so-called “LGBTQ panic defenses”, legal strategies that blame victims of violent crimes for attacks committed against them because of their sexual orientation or gender identity. In doing so, these states make it easier for LGBTIQ victims to receive equal justice in the courtroom.

States also addressed legislation restricting the use of “isolation” or solitary confinement in prisons, with a distinct focus on members of vulnerable populations. Specifically, New Jersey passed a law prohibiting the placement of LGBTIQ individuals, among other vulnerable people, in solitary confinement. The law also requires members of vulnerable populations who are currently being held in solitary confinement to be immediately released and moved to more appropriate placements.

YOUTH

In 2019, nearly 30 states considered bills to restrict the practice of so-called “conversion therapy”, a dangerous and discredited practice that falsely claims to change a person’s sexual orientation or gender identity or expression. Four states – Colorado, Maine, Massachusetts, and New York — enacted anti-conversion therapy protections that prohibit state-licensed healthcare providers from engaging in these harmful practices with youth.

A number of states passed legislation supporting safer and healthier school climates for students that address mental health and strengthen anti-bullying policies. Other states, like Illinois, Colorado, and New Jersey, passed laws creating more inclusive school curriculums that incorporate the political, economic, and cultural contributions of LGBTIQ individuals.

However, several states considered bills that would make schools less accommodating for LGBTIQ youth. Mississippi introduced legislation allowing licensed school employees to misgender students. Fortunately, the measure failed to advance.

HEALTH AND SAFETY

This year, a number of states have proposed legislation restricting transgender patients’ access to gender-affirming healthcare. One such bill in Iowa, allows government entities to refuse to use public funding to cover comprehensive transition related care - including Medicaid funds.

Fortunately, New Mexico, Maine, and Illinois introduced and passed legislation designating all public single-occupancy restrooms as gender neutral, with several other states introducing similar legislation.

In 2019, nearly 30 states considered bills to restrict the practice of so-called “conversion therapy”, a dangerous and discredited practice that falsely claims to change a person’s sexual orientation or gender identity or expression.
COMPARATIVE LEGISLATION
AT A GLANCE

OVERALL

PARENTING LAWS

RELIGIOUS REFUSAL & RELATIONSHIP RECOGNITION

NON-DISCRIMINATION LAWS

HATE CRIMES & CRIMINAL JUSTICE

YOUTH LAWS

HEALTH & SAFETY
While 2019 was one of the best legislative sessions for LGBTQ issues in the states for several years, 2020 promises a bit more of a rollercoaster. Success on major non-discrimination legislation seems likely, but so does a resurgence of anti-transgender legislation, this time targeting trans student athletes and attempting to deny transgender children best-practice medical care. Anti-LGBTQ legislation began advancing as soon as state legislatures convened, including Tennessee which took up and immediately passed a license to discriminate in child welfare services on its first day back in session.

In just the first few weeks of 2020 there have been encouraging signs about continued momentum forward for non-discrimination laws and pro-equality policies. New Jersey passed a law banning the use of an LGBTQ-panic defense. Utah issued regulations that protect LGBT youth from the dangerous, debunked practice of so-called “conversion therapy”, making it the 19th state (plus the District of Columbia and Puerto Rico) to prohibit this harmful practice. And Virginia is poised to become the first state in over a decade to add sexual orientation and gender identity to existing non-discrimination law, as well as the first state in 12 years to pass a public accommodations law from scratch.

In addition to those major developments, we anticipate that additional states will add non-discrimination laws in the areas of jury service and credit, require better reporting of hate crimes, require all single-occupancy facilities to be designated as all-gender; to streamline the process for transgender people to update their identity documents to reflect their gender identity, and to advance additional protections for youth from the practice of so-called “conversion therapy”.

However, it is clear that opponents of equality have not given up on trying to undermine or prevent protections for LGBTQ people, and that in fact they’ve doubled down in particular on legislation targeting transgender children. Bills preventing transgender student-athletes from participating in athletics consistent with their gender identity are proliferating, as are bills that would impose criminal penalties on doctors or parents who support a transgender child during their transition. This resurgence is reminiscent of the attacks on transgender children that took the country by storm in 2016 only to fizzle as the anti-transgender animus propelling them became clear. Tennessee passing the license to discriminate in child welfare services bill on their first day back is consistent with the trend in anti-LGBTQ legislation over the past few years, which has been to push for bills that allow narrower, more targeted types of discrimination—such as licenses to discriminate in the provision of child welfare services. We expect that anti-LGBTQ lawmakers in many states will continue to introduce and advance this type of bill that aims to allow individuals and businesses to discriminate against LGBTQ people based on religious or moral objections in specific sectors, like education, adoption and foster care services. We also anticipate continuing to see preemption bills that attempt to reduce the power of cities and towns to protect their LGBTQ residents and visitors from discrimination, with the potential to eliminate or gut existing local non-discrimination protections.

With these bills popping up in state legislatures across the country it is clear that for all of the highs 2020 has in store, there will also be significant challenges and hard fights. Opponents of equality continue to be determined to push back against progress, and proponents of equality are more determined than ever to push forward.
SUMMARY | ISSUE MAPS

NON-DISCRIMINATION IN EMPLOYMENT

STATES THAT PROHIBIT EMPLOYMENT DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY

California
Colorado
Connecticut
Delaware
District of Columbia
Hawaii
Illinois
Iowa
Maine
Maryland
Massachusetts
Minnesota
Nevada
New Hampshire
New Jersey
New Mexico
New York
Oregon
Rhode Island
Utah
Vermont
Washington

STATES THAT PROHIBIT EMPLOYMENT DISCRIMINATION BASED ON SEXUAL ORIENTATION ONLY

Wisconsin

STATES THAT PROHIBIT HOUSING DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY

California
Colorado
Connecticut
Delaware
District of Columbia
Hawaii
Illinois
Iowa
Maine
Maryland
Massachusetts
Minnesota
Nevada
New Hampshire
New Jersey
New Mexico
New York
Oregon
Rhode Island
Utah
Vermont
Washington

STATES THAT PROHIBIT HOUSING DISCRIMINATION BASED ON SEXUAL ORIENTATION ONLY

Wisconsin

CURRENT AS OF DECEMBER 1, 2019
NON-DISCRIMINATION IN PUBLIC ACCOMMODATIONS

- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Hawaii
- Illinois
- Iowa
- Maine
- Maryland
- Massachusetts
- Minnesota
- Nevada
- New Hampshire
- New Jersey
- New Mexico
- New York
- Oregon
- Rhode Island
- Vermont
- Washington

STATES THAT PROHIBIT PUBLIC ACCOMMODATIONS DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY

- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Hawaii
- Illinois
- Iowa
- Maine
- Maryland
- Massachusetts
- Minnesota
- Nevada
- New Hampshire
- New Jersey
- New Mexico
- New York
- Oregon
- Rhode Island
- Vermont
- Washington

NON-DISCRIMINATION IN EDUCATION

- California
- Colorado
- Connecticut
- District of Columbia
- Hawaii
- Illinois
- Iowa
- Maine
- Massachusetts
- Minnesota
- Nevada
- New Hampshire
- New Jersey
- New Mexico
- New York
- Oregon
- Rhode Island
- Vermont
- Washington

STATES THAT PROHIBIT NON-DISCRIMINATION IN EDUCATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY

- California
- Colorado
- Connecticut
- District of Columbia
- Hawaii
- Illinois
- Iowa
- Maine
- Massachusetts
- Minnesota
- Nevada
- New Hampshire
- New Jersey
- New York
- Oregon
- Rhode Island
- Vermont
- Washington

STATES THAT PROHIBIT NON-DISCRIMINATION IN EDUCATION ON THE BASIS OF SEXUAL ORIENTATION ONLY

- New Mexico
- Wisconsin
**ANTI-BULLYING LAWS**

- **States with anti-bullying laws that provide specific protection based on sexual orientation and gender identity**
  - Arkansas
  - California
  - Colorado
  - Connecticut
  - Delaware
  - District of Columbia
  - Hawaii
  - Illinois
  - Iowa
  - Maine
  - Maryland
  - Massachusetts
  - Minnesota
  - Mississippi
  - Missouri
  - Nevada
  - New Hampshire
  - New Jersey
  - New Mexico
  - New York
  - North Carolina
  - Oklahoma
  - Oregon
  - Pennsylvania
  - Rhode Island
  - South Carolina
  - South Dakota
  - Virginia
  - Washington
  - Wisconsin

- **States with laws that restrict the inclusion of LGBTQ topics in schools**
  - Alabama
  - Louisiana
  - New Mexico
  - South Carolina
  - Texas

- **States with anti-bullying laws that prevent school districts from specifically protecting LGBTQ students**
  - Arkansas
  - Illinois
  - New Jersey
  - New Mexico
  - New York
  - North Carolina
  - Oklahoma
  - South Carolina
  - Texas

- **States where second-parent adoption is an option for same-sex couples statewide**
  - California
  - Colorado
  - Connecticut
  - Delaware
  - District of Columbia
  - Idaho
  - Illinois
  - Maine
  - Massachusetts
  - Minnesota
  - Montana
  - New Jersey
  - New York
  - North Carolina
  - Oregon
  - Pennsylvania
  - South Dakota
  - Vermont

- **Please see individual state scorecards for other criteria related to relationship recognition on adoption and non-discrimination provisions.**
TRANSGENDER HEALTHCARE

STATES WITH BANS ON INSURANCE EXCLUSIONS FOR TRANSGENDER HEALTHCARE
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Hawaii
- Illinois

STATES WITH TRANSGENDER COVERAGE EXCLUSIONS IN MEDICAID
- Alaska
- Georgia
- Idaho
- Iowa
- Missouri
- Nebraska
- Tennessee
- Texas
- West Virginia
- Wyoming

STATES WITH TRANSGENDER-INCLUSIVE HEALTH BENEFITS FOR STATE EMPLOYEES
- California
- Connecticut
- Delaware
- District of Columbia
- Hawaii
- Maryland
- Massachusetts
- Minnesota
- Nevada
- New Hampshire
- New Jersey
- New York

NAME AND GENDER MARKER UPDATES ON IDENTIFICATION DOCUMENTS

STATES WITH LAWS AND POLICIES THAT FACILITATE GENDER MARKER UPDATES ON DRIVER’S LICENSE ONLY
- Arizona
- Arkansas
- Florida
- Indiana
- Maine
- Michigan
- Missouri
- New Hampshire
- North Carolina
- North Dakota

STATES WITH LAWS AND POLICIES THAT FACILITATE GENDER MARKER UPDATES ON DRIVER’S LICENSES AND BIRTH CERTIFICATES
- Alaska
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Hawaii
- Idaho
- Illinois
- Kansas
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Montana
- Nevada
- New Jersey
- New Mexico
- New York
- North Carolina
- North Dakota
- Ohio
- Vermont
- Virginia
- Washington

STATES WITH LAWS AND POLICIES THAT PREVENT TRANSGENDER PEOPLE FROM RECEIVING APPROPRIATE IDENTIFICATION
- Tennessee

CURRENT AS OF DECEMBER 1, 2019
STATES WITH LAWS THAT CRIMINALIZE BEHAVIORS THAT CARRY A LOW OR NEGLIGIBLE RISK OF HIV TRANSMISSION
- Alabama
- Arkansas
- Florida
- Georgia
- Idaho
- Illinois
- Indiana
- Kentucky
- Louisiana
- Maryland
- Michigan
- Minnesota
- Mississippi
- Missouri
- Nebraska
- New Jersey
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Pennsylvania
- South Carolina
- South Dakota
- Tennessee
- Utah

STATES THAT HAVE A LAW THAT ADDRESSES HATE OR BIAS CRIMES BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Hawaii
- Illinois
- Maine
- Maryland
- Massachusetts
- Minnesota
- Missouri
- Nevada
- New Jersey
- New Mexico
- New York
- Oregon
- Rhode Island
- Utah
- Vermont
- Washington

STATES THAT HAVE A LAW THAT ELIMINATES A BIAS RAGE OR PANIC DEFENSE IN CRIMINAL ACTS
- California
- Connecticut
- Illinois
- Maine
- New York
- New York
- Rhode Island

STATES WITH LAWS THAT CRIMINALIZE BEHAVIORS THAT CARRY A LOW OR NEGLIGIBLE RISK OF HIV TRANSMISSION
DATA COLLECTION

STATES THAT COLLECT DATA ON THE BEHAVIORAL RISK FACTOR SURVEILLANCE SYSTEM (BRFSS) ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY

California
Connecticut
Delaware
District of Columbia
Florida
Georgia
Hawaii
Illinois
Indiana
Iowa
Louisiana
Massachusetts
Minnesota
Mississippi
Montana
Nebraska
Nevada
New Mexico
New York
North Carolina
Ohio
Oklahoma
Pennsylvania
Rhode Island
South Carolina
Texas
Vermont
Virginia
Washington
Wisconsin

STATES THAT COLLECT DATA ON THE YOUTH RISK BEHAVIOR SURVEILLANCE SYSTEM (YRBSS) ON THE BASIS OF SEXUAL ORIENTATION ONLY

Arizona
Arkansas
Connecticut
Illinois
Indiana
Iowa
Kentucky
Nebraska
Nevada
New Hampshire
New York
North Carolina
North Dakota
Ohio
Oklahoma
Pennsylvania
South Carolina
Texas
West Virginia
Wyoming

STATES THAT COLLECT DATA ON BOTH THE BRFSS AND YRBSS FOR SEXUAL ORIENTATION AND GENDER IDENTITY

California
Delaware
District of Columbia
Florida
Georgia
Hawaii
Illinois
Indiana
Iowa
Louisiana
Massachusetts
Minnesota
Mississippi
Montana
Nebraska
New Mexico
New York
North Carolina
Ohio
Oklahoma
Pennsylvania
Rhode Island
South Carolina
Texas
Vermont
Virginia
Washington
Wisconsin

STATES WITH LAWS THAT PROTECT YOUTH FROM CONVERSION THERAPY

California
Colorado
Connecticut
Delaware
District of Columbia
Hawaii
Illinois

Maine
Maryland
Massachusetts
Nevada
New Hampshire
New Jersey
New Mexico
New York
Oregon
Rhode Island
Vermont
Washington

STATES WITH LAWS THAT PROTECT YOUTH FROM CONVERSION THERAPY

Michigan
Minnesota
Mississippi
Montana
Nevada
New Hampshire
New Mexico
New York
North Carolina
Ohio
Oklahoma
Pennsylvania
South Carolina
Texas
West Virginia
Wisconsin

SUMMARY | ISSUE MAPS

CURRENT AS OF DECEMBER 1, 2019

SUMMARY | ISSUE MAPS

CURRENT AS OF DECEMBER 1, 2019
In the SEI scorecards, we have grouped states into several broad categories to provide a general idea about the type of advocacy that occurs in each state in addition to identifying statewide laws and policies affecting LGBTQ people in such states. The categories are:

**High Priority to Achieve Basic Equality**
In these states, advocates focus on raising support for basic LGBTQ equality, such as non-discrimination protections in employment, housing and public accommodations. These states are most likely to have religious refusal or other anti-LGBTQ laws. Advocates often further LGBTQ equality by focusing on municipal protections for LGBTQ people or opposing negative legislation that targets the LGBTQ community.

**Building Equality**
In these states, advocates work to build upon initial advances toward LGBTQ equality, such as the implementation of safer school policies, expanding non-discrimination protections, or protections in healthcare for transgender people. Work in these states varies widely but may focus on opposing negative legislation, passing comprehensive non-discrimination laws, or making it easier for LGBTQ people to create families.

**Solidifying Equality**
These states have several basic measures of equality, including non-discrimination protections or anti-bullying laws. Advocates work to ensure the broad implementation of these laws while advancing laws concerning parenting, youth, health and criminal justice to achieve full equality for the LGBTQ community.

**Working Toward Innovative Equality**
These states have a broad range of protections to ensure equity for LGBTQ people, including comprehensive non-discrimination laws, safer school policies, and healthcare access for transgender people. Advocates focus on the implementation of laws and advance innovative legislation that addresses the needs of vulnerable populations.

It wasn’t so long ago that Colorado earned the title of the “Hate State” by passing Amendment 2 that prevented LGBTQ Coloradans from gaining any legal protections at the county, city, or state level. Since the amendment was overturned by the U.S Supreme Court in 1996, our movement has continued to make ground, and we have seen our state become a national leader for LGBTQ rights and protections.

We’ve elected our nation’s first openly gay governor, the second openly transgender state lawmaker nationwide, and boast one of the largest and most diverse LGBTQ legislative caucuses in the nation. In 2019, One Colorado supported the passage of three significant pieces of legislation including Jude’s Law to make it easier for transgender and non-binary individuals to update their identity documents, protections for youth from conversion therapy, and the inclusion of LGBTQ history in school curriculum. Yes, we’ve come a long way, but there are still challenges ahead.

After releasing a statewide LGBTQ health study and embarking on an 18-city tour last year, One Colorado has identified a significant gap between legal and lived equality in the state. Despite the passage of bills that expand rights and protections for LGBTQ Coloradans, in community after community, we heard stories of increased bullying in schools, harassment on the streets, discrimination in the workplace, and acts of violence against LGBTQ Coloradans. One Colorado’s work in 2020 couldn’t be more clear: to close the gap.

In 2020, One Colorado will work hard to add explicit protections for transgender Coloradans under our state’s non-discrimination laws, increase affordability and access to HIV prevention drugs, and ban the so-called LGBTQ panic defense in the state of Colorado. We will stay committed to building up communities where LGBTQ people are visible, respected, and treated equally. With all that we do, we will stay mindful of the gap that exists between legal and lived equality, and fight every day to improve the lived experience of LGBTQ Coloradans and their families.

**Daniel Ramos**
Executive Director
One Colorado

*above: Bill signing with Governor Jared Polis  
*left: One Colorado staff*
Every child deserves a loving home and every family should be able to recognize familial relationships free from discrimination on the basis of sexual orientation or gender identity.

This category evaluates state laws, policies, or court cases that allow for the creation and recognition of familial relationships that affect the ability of LGBTQ families to adopt and provide legal recognition for their families. Some states prevent LGBT individuals or same-sex couples from serving as adoptive or foster parents, and many public child welfare agencies still discriminate against qualified, licensed LGBT foster and adoptive families. When LGBTQ families are denied the ability to foster and adopt children, children are denied the right to safe, happy, and healthy permanent homes.

**POSITIVE LAWS & POLICIES**

**SECOND-PARENT ADOPTION**
This item indicates state laws or court decisions that allow a second parent of the same sex to petition to adopt their partner’s children, regardless of whether they are in a legally recognized relationship.

**SURROGACY LAWS**
This item indicates state laws that explicitly allow for gestational surrogacy but do not exclude LGBTQ people or privilege married partners. Gestational surrogacy is a surrogacy arrangement where the surrogate has no genetic relation to the child.

**FOSTER CARE NON-DISCRIMINATION**
This item indicates state laws or administrative policies that prohibit discrimination against LGBTQ people in the placement of foster youth.

**FOSTER PARENT TRAINING REQUIRED**
This item indicates state laws or agency regulations that require prospective foster parents to receive training regarding LGBTQ youth in areas like cultural competency and legal requirements.

**PARENTAL PRESUMPTION FOR SAME-SEX COUPLES**
This item indicates that the state, through statewide court rulings, statutes, or agency guidance, presumes that a parental relationship exists for both parents in a same-sex marriage with regard to any children born of that marriage.

**CONSENT TO INSEMINATE**
This item indicates state laws that specifically allow unmarried same-sex couples to create parenthood for both parents for an intended child by formally consenting to insemination of one of the parents.

**DE FACTO PARENT RECOGNITION**
This item indicates a limited recognition of de facto parents as a basis for visitation or custody, generally through court cases. De facto parents are individuals who serve in the role of a parent, but have no legally recognized tie to the child.

Negative laws & policies

**PROHIBITION OF SURROGACY**
This item indicates state laws that explicitly prohibit gestational surrogacy contracts. Gestational surrogacy is a surrogacy arrangement where the surrogate has no genetic relation to the child.

**STATE RELIGIOUS FREEDOM RESTORATION ACTS**
This item indicates state laws that purport to preserve “religious freedom”, but which may in fact undermine state non-discrimination protections. Their laws generally fall within one of two categories: the so-called “religious freedom restoration acts”, and the laws that specifically allow marriage-service providers to discriminate on the basis of their religion. State laws that explicitly make clear that civil rights protections are not subject to religious refusal will not fall in this category.

**RELIGIOUS EXEMPTIONS FOR PROFESSIONAL TRAINING/PRACTICE**
This item indicates state laws that specifically prevent public institutions of higher education from adopting or state professional licensing boards from disciplining students or professionals for failing to meet their professional standards of conduct (generally relating to non-discrimination) on the basis of their personal religious beliefs.

**FIRST AMENDMENT DEFENSE ACT**
This item indicates state laws that purport to protect religious expression but actually grant a right to discriminate. These laws protect the ability of a public agency, or a private individual or agency that receives funds, licensing, or other recognition from the state, from losing any of those benefits as a result of discriminatory action that is based on an individual’s sexual orientation or gender identity.

All loving and committed couples deserve equal respect and legal recognition. Support for marriage equality for same-sex couples has grown rapidly, and after the Obergefell ruling by the U.S. Supreme Court, every state is obligated to recognize the marriages of same-sex partners.

Following this historic ruling, several states have continuously introduced bills that would limit recognition of same-sex marriages or allow state officials to refuse to provide licenses or other services for same-sex couples.

**NEGATIVE LAWS & POLICIES**

**LAWS PERMITTING DISCRIMINATION IN FOSTER/ADOPTION PLACEMENT**
This item indicates state laws that allow for discrimination in the placement of foster youth with LGBTQ families or adoption by LGBTQ families. This is generally done either by specifically allowing for discrimination against LGBTQ families or by privileging married couples for adoption or foster placement. Other states will introduce a “conscious” exception for foster or adoption placement agencies, allowing them to discriminate on the basis of their religion against LGBTQ families.
The Oklahoma legislative session is known in LGBTQ communities as a time to brace ourselves for a long, chaotic, and unpredictable fight.

The session ought to be a time for our representatives to expand rights for LGBTQ Oklahomans. Instead, it’s usually a battle to hold the line. This is how it’s been in Oklahoma for as long as I can remember.

Oklahoma is considered to be one of the harshest environments for LGBTQ people to live. While many LGBTQ people love our home, we also know the political reality is that proactive legislation that could move us toward full legal rights and lived equality is not a priority for many legislators. In fact, too many lawmakers remain outright antagonistic.

At Freedom Oklahoma, we have long functioned as a stopgap by working diligently, both publicly and behind the scenes, to ensure that the usual barrage of anti-LGBTQ bills do not advance.

Historically, a successful session has meant that our hard won victories have a long reach. However, the 2019 session demonstrated that our hard won victories have a long reach.

We’ve accomplished a lot on defense. With the support of a strong community, nationwide partners and legislators from both parties who champion our cause, we’ve stopped dozens of harmful bills from becoming law.

We’re proud of each of our victories, but we know holding the line is simply not enough. And that’s why we are building toward something more. Indeed, in 2019, something remarkable happened. Our years of efforts paid off when no single bill designed to roll back LGBTQ rights was filed.

Rest assured we are prepared for this reprieve to be temporary. We stand ready to fight back against efforts to harm our communities whenever they occur. However, the 2019 session demonstrated that our hard won victories have a long reach.

We’ve got a long way to go, and we’ll keep fighting, but our progress is undeniable and momentum is on our side.

ALLIE SHINN
Executive Director
Freedom Oklahoma

NON-DISCRIMINATION LAWS & POLICIES

It should not be legal to deny someone the right to work, rent a home, receive an education, or be served in a place of public accommodation because of their sexual orientation or gender identity.

Recognizing that LGBTQ people should be free of discrimination in all areas of life, this publication takes a comprehensive view of non-discrimination laws & policies, looking at areas where not every state provides protections. This category evaluates whether discrimination on the basis of sexual orientation and gender identity is explicitly prohibited through statewide laws or policies in a host of areas, including employment, housing, education, and public accommodations. Some states, the protections outlined in a specific area do not exist for any characteristic—including race, sex, or disability.

For each item in this category, it is noted whether the law or policy provides non-discrimination protection on the basis of sexual orientation, gender identity, or both.

POSITIVE LAWS & POLICIES

EMPLOYMENT
This item indicates state laws that prohibit discrimination in private employment on the basis of sexual orientation or gender identity, among other categories.

HOUSING
This item indicates state laws that prohibit discrimination in rental or purchase of housing on the basis of sexual orientation or gender identity.

PUBLIC ACCOMMODATIONS
This item indicates state laws that prohibit discrimination in public accommodations on the basis of sexual orientation or gender identity.

Public accommodations are generally defined as entities, both public and private, that are used by the public. Examples may include retail stores, rental establishments, and service establishments, as well as educational institutions or recreation facilities. The types of entities that fall into this category vary widely and are based on state law.

EDUCATION
This item indicates state laws that prohibit discrimination against students in public education on the basis of sexual orientation or gender identity.

ADOPTION
This item indicates state laws or administrative policies that prohibit discrimination in the adoption system from discrimination on the basis of sexual orientation or gender identity.

FOSTER CARE
This item indicates state laws or administrative policies that prohibit discrimination in the foster care system from discrimination on the basis of sexual orientation or gender identity.

INSURANCE
This item indicates state laws or administrative policies that prohibit discrimination in at least some forms of insurance on the basis of sexual orientation or gender identity.

CREDIT
This item indicates state laws or administrative policies that prohibit discrimination in the granting of credit, establishment of loans, or other elements of banking on the basis of sexual orientation or gender identity.

JURY SELECTION
This item indicates state laws, administrative policies, or court decisions that prohibit discrimination in jury selection on the basis of sexual orientation or gender identity.

COLLEGES AND UNIVERSITIES
This item indicates state laws or state university system policies that prohibit discrimination in admission and access to campus services and facilities on the basis of sexual orientation or gender identity.
For 30 years, Equality Texas, the state’s largest LGBTQ rights organization, has been fighting on the frontlines at the Texas Capitol. We're proud of how far we've come—and as committed as ever to achieving full legal and lived equality for all Texans.

During the 2019 legislative session, we were pleased to partner with the Transgender Education Network of Texas (TENT) and other allies to ensure the failure of 20+ anti-LGBTQ bills.

The Transgender Education Network of Texas is the largest statewide, trans led, trans focused organization in the state of Texas. For the past 10 years TENT has been dedicating its efforts to stopping discrimination and furthering gender diverse equality through social, legislative, and corporate education across Texas. Together, Equality Texas, TENT and other community partners have been shoulder to shoulder in defeating bills that would harm the trans community. While we’ve defeated bills together, both of our organizations cannot wait for the day we can pass LGBTQ comprehensive bills together, and we believe those days are near.

For the first time in Texas history, a new LGBTQ Caucus with five openly LGBTQ women in the Texas House became a game-changer in the fight for full equality.

With new-found firepower, we made progress on pro-active bills that will protect LGBTQ Texans including a ban on conversion therapy, as well as having name and gender marker changes be more accessible for Texans. Both of which received hearings for the first time.

But, the big news from Texas, is that the political map is changing. Candidates up and down the ballot who ran on pro-equality messages had unprecedented success in 2018. If this success continues in the 2020 elections, we could have a pro-equality majority in the Texas House of Representatives which will be significant in pushing our agenda forward and passing a comprehensive nondiscrimination bill in 2021. This bill would extend nondiscrimination protections for LGBTQ people in employment, housing, and public accommodations.

We believe these changes are evidence of growing political strength and support from the Texans who believe in LGBTQ Equality.

We’re ready to go on offense and push for a pro-equality agenda in the 2021 Texas legislative session. It’s long past time to change the law and protect all Texans.

RICARDO MARTINEZ
Chief Executive Officer
Equality Texas

EMMETT SCHELLING
Executive Director
Transgender Education Network of Texas (TENT)
Leadership matters.

In the summer of 2018, we sent our bill to protect LGBTQ+ youth from the dangerous and discredited practice of conversion therapy to the desk of then-Governor Paul LePage. At that point, sixteen other governors - Democrats and Republicans - had signed such bills in their own states. But LePage chose petty politics over protecting kids, becoming the first governor anywhere in the country to veto protections from conversion therapy and leaving Maine’s children vulnerable to serious harm from attempts to “fix” something that was never broken. A few days later, anti-equality legislators piled on this reprehensible action by sustaining his veto.

That fall, we were proud to endorse pro-equality candidates of all parties up and down the ticket, and when the results came in on election night they won BIG! Twenty-two of our endorsed candidates for state Senate won, as did 80 of our endorsed candidates for state House. And, history was made as pro-equality candidate Janet Mills was elected Maine’s first female Governor.

In 2019 we knew we had to seize the moment, and we wasted no time. Working with Governor Mills, Senate President Troy Jackson, and Speaker of the House Sara Gideon, we were successful and we were able to work with our new pro-equality administration to ensure that MaineCare, our state’s version of Medicaid, is trans-inclusive. And we eliminated the burdensome requirement that healthcare providers verify a person’s gender in order to change gender markers on driver’s licenses and state IDs.

As we look ahead to 2020, we will be working on simplifying the process for changing gender markers on birth certificates, expanding access and insurance coverage for PrEP, and so much more. We know the difference that pro-equality leadership makes, and we’ll be doing our part to ensure that our community gets the kind of leadership we deserve in Washington, too.

MATT MOONEN
Executive Director
Equality Maine

No one should be at risk of violence, targeted by criminal laws, or profiled by law enforcement because of their sexual orientation, gender identity, or HIV status.

This category evaluates state criminal laws to determine whether they equally protect residents on the basis of sexual orientation and gender identity, include LGBTQ people in hate crimes laws, eliminate unjust defenses to violent crimes committed against LGBTQ people, and proscribe police profiling of LGBTQ individuals.

POSITIVE LAWS & POLICIES

ENUMERATED HATE CRIMES LAWS
This item indicates state laws that specifically include sexual orientation or gender identity in hate crimes protections.

MANDATORY REPORTING OF HATE CRIMES STATISTICS
This item indicates state laws that require the collection of data regarding incidents of hate crimes based on sexual orientation or gender identity and reporting that data to the federal government.

NEGATIVE LAWS & POLICIES

SODOMY LAWS
This item indicates state laws that purport to criminalize sodomy, regardless of whether they are enforced. Note that these laws are not enforceable due to the Supreme Court’s Lawrence v. Texas decision, but they still need to be officially repealed by the state legislature.

HIV CRIMINALIZATION LAWS
This item indicates state laws that criminalize behaviors of HIV+ people that carry a low or negligible risk of HIV transmission. States that criminalize behaviors that carry a higher risk of youth-retransmission will not be noted by this measure.
YOUTH-RELATED LAWS & POLICIES

All youth should be able to participate in schools and communities that are safe and welcoming, regardless of their sexual orientation or gender identity.

This category evaluates a range of measures concerning the safety and well-being of LGBTQ youth, including safe school laws, laws to protect youth from dangerous and discredited conversion therapy, and laws to address youth homelessness. Recognizing that schools play an especially important role in the growth and development of young people, we looked at a number of measures relating to bullying prevention and school safety.

POSITIVE LAWS & POLICIES

ANTIBULLYING LAWS

These items indicate state laws that protect youth from bullying and harassment, generally by requiring individual school districts to have anti-bullying policies in place. Credit was given for laws that are enumerated, meaning they specifically list characteristics that are frequently the target of bullying and harassment, while providing anti-bullying protection for all students.

Enumeration is especially important to protect LGBTQ students, as research has demonstrated that non-enumerated policies are no more effective to protect vulnerable students than having no policy in place. State laws are only indicated by this item if they provide protection based on both sexual orientation and gender identity.

The second item indicates state policies and guidance, generally created by the state Department of Education, that enumerate sexual orientation and gender identity.

The “Alternative Discipline” item indicates state laws that specifically include language that supports anti-bullying protection for bullying and harassment.

Finally, the “Cyberbullying” item indicates that the state’s anti-bullying law covers incidents of bullying and harassment that occur electronically, through the internet or another medium. States and individual school districts vary widely on the degree to which anti-cyberbullying enforcement extends beyond the walls of the school. This category does not assess these distinctions, simply whether the law addresses bullying and harassment through electronic means.

SCHOOL SUICIDE PREVENTION POLICIES

This item indicates state laws that require public school districts to have policies that focus on suicide prevention and intervention.

TRANSGENDER INCLUSION IN SPORTS

This item indicates state laws that require public school districts to have policies that focus on suicide prevention and intervention.

PROTECTION FROM CONVERSION THERAPY

This item indicates state laws that prohibit school districts from listing characteristics that are frequently the target of bullying and harassment. Recognizing that schools play an especially important role in the growth and development of young people, we looked at a number of measures relating to bullying prevention and school safety.

Several items in this category, particularly with regard to protecting youth from conversion therapy and addressing youth homelessness, are rapidly evolving areas of the law. While currently only a few states provide these protections, additional states will likely address these policy issues in future years.

NEGATIVE LAWS & POLICIES

INEQUALITY IN AGE OF CONSENT FOR SAME-SEX COUPLES

This item indicates state laws that create different standards for the age of consent in same-sex and different-sex couples.

Many states have a so-called “Romeo and Juliet” exception to age of consent laws, which prevents violation of these laws as long as the couple is within a particular age range; however, for some states this exception only applies to different-sex couples.

SCHOOL LAWS THAT CRIMINALIZE YOUTH

This item refers to anti-bullying laws that have either the mandatory, one-size-fits-all discipline or zero-tolerance policies, or the laws that specifically criminalize either bullying or cyberbullying. The item does not apply to general laws that extend anti-harassment protections to an electronic medium unless they refer specifically to schools, bullying, or cyberbullying.

ANTI-BULLYING LAWS THAT PROHIBIT ENUMERATION

This item indicates state anti-bullying laws that specifically prohibit school districts from listing characteristics that are frequently the target of bullying and harassment. This undermines the protection of the law for vulnerable populations such as LGBTQ youth.

POSITIVE LAWS & POLICIES

LAWS TO ADDRESS LGBTQ YOUTH HOMELESSNESS

This item indicates state laws that specifically address homelessness among LGBTQ youth. For example, requiring homeless youth service providers to have non-discrimination policies in place, adequate cultural competency training, enhanced data collection to better understand disparities among this vulnerable population, and ensure homeless transgender youth are able to receive appropriate services based on their gender identity and expression.

LGBTQ-INCLUSIVE SEX EDUCATION LAWS

This item indicates state laws that prohibit educators from discussing LGBTQ topics in schools or that require that any discussion of LGBTQ topics in schools be presented in a negative way. While these laws generally pertain only to sexual health education, they are frequently interpreted in a broader way by school districts. In some states these laws are not operative, but because of the negative impact they can have on LGBTQ youth, even if they are not officially enforced, they are still noted as present.

LAWS THAT RESTRICT INCLUSION OF LGBTQ TOPICS IN SCHOOLS

This item indicates state laws that prohibit school districts from listing characteristics that are frequently the target of bullying and harassment. This undermines the protection of the law for vulnerable populations such as LGBTQ youth.
HEALTH & SAFETY
LAWS & POLICIES

Everyone should be able to access appropriate healthcare that is culturally competent and affirming, regardless of their sexual orientation or gender identity. Moreover, everyone should be able to access identity documents that reflect the way in which they live their lives.

This category evaluates a range of measures relating to the health and safety of LGBTQ people, including access to healthcare, the ability to obtain appropriate identity documents, and the collection of health survey data of LGBTQ people. Data collection pertaining to LGBTQ populations is especially important because, over time, it will allow us to assess and address health disparities among LGBTQ communities.

With the rapidly evolving nature of healthcare and consistent push for reforms from elected officials, it is likely that measures relating to non-discrimination in healthcare and prohibitions on transgender healthcare exclusion will continue to grow.

POSITIVE LAWS & POLICIES

LGBTQ NON-DISCRIMINATION PROTECTIONS IN AFFORDABLE CARE ACT (ACA) EXCHANGES
This item indicates state laws or administrative policies that specifically prohibit discrimination on the basis of sexual orientation or gender identity by insurance providers and health care providers through state implementation of the ACA. While the ACA and federal regulations make clear that health care and insurance providers must not discriminate, enforcement is administered by the states, and so it is important that state laws and policies establish exchanges that reflect federal non-discrimination mandates.

States that do not operate their own exchanges (and therefore have no relevant laws or policies) cannot receive credit for this item.

BAN ON INSURANCE EXCLUSIONS FOR TRANSHCARE
This item indicates state laws or administrative policies that prohibit private health insurance providers from issuing policies with explicit bans on transgender or transition-related health care.

TRANSGENDER HEALTHCARE INCLUSION IN STATE MEDICAID
This item indicates state laws or agency rules that specifically allow for transition-related coverage for transgender people through state Medicaid.

TRANSGENDER-INCLUSIVE HEALTH BENEFITS FOR STATE EMPLOYEES
This item indicates state laws, administrative policies, or court decisions that provide transgender state employees access to transgender and transition-related health care through their employment health benefits.

NAME AND GENDER MARKER UPDATES ON IDENTIFICATION DOCUMENTS
These items indicate state laws or administrative policies that allow transgender people to update their gender markers on their driver's licenses or birth certificates with a minimum of difficulty. Generally, this means that these laws or policies will create a clear process and not have specific surgery requirements in order to update one's gender marker.

While there are sometimes court decisions that allow transgender people to amend their identity documents even in states without explicit rules, these items will consider only statewide laws or policies.

NEGATIVE LAWS & POLICIES

LAWS PROHIBITING TRANSGENDER PEOPLE FROM RECEIVING APPROPRIATE IDENTIFICATION
This item indicates state laws, administrative policies, or court decisions preventing transgender people from amending the gender markers on their driver’s licenses or birth certificates under any circumstances.

TRANSGENDER EXCEPTIONS IN STATE MEDICAID COVERAGE
This item indicates state laws or administrative policies that explicitly prohibit Medicaid coverage for transition-related care for transgender people.

POSITIVE LAWS & POLICIES

HEALTH DATA COLLECTION
This item indicates the presence of sexual orientation or gender identity-related survey questions on national health data collections that are administered by the state. The Centers for Disease Control and Prevention (CDC) conducts two federal health data surveys in the majority of states: the Behavioral Risk Factor Surveillance System (BRFSS) among adults and the Youth Risk Behavior Surveillance System (YRBSS) among secondary-school aged youth. Only LGBTQ-related optional questions adopted by the CDC are counted for this measure.

While there are many other forms of both state and federal data collection, this measure looks at only these two specific surveys, as they are prominent health surveys and they include optional questions pertaining to LGBTQ populations. Note that not every state administers the YRBSS, and states that do not are indicated with an “N/A.”

ALL-GENDER SINGLE-OCCUPANCY FACILITIES
This item indicates state laws or agency guidance requiring single occupancy facilities (that is restrooms or changing rooms meant to accommodate only one person at a time) to be designated as all-gender.
For years, if at all. Also, passage of municipal protections may not be feasible large population of LGBTQ people immediately, whereas Passage of municipal protections can serve to protect a than statewide law and policy for strategic reasons. Advocates may focus on municipal protections rather with a more difficult political climate for LGBTQ equality, whereas the substantial and growing role that municipal law has that affect LGBTQ equality, it is important to recognize the decision is in effect. The SEI strives to present a balanced view of the types of advocacy that occurs in different states around the country, as well as a factual record of the presence of statewide laws and policies that positively or negatively affect LGBTQ equality.

Finally, the SEI is not an evaluation of statewide advocacy efforts. We recognize that advocacy for statewide laws and policies concerning LGBTQ equality will vary drastically in different regions, based on state politics, historical context, state legislative issues, and countless other factors. For example, in some regions it may be a major victory for advocates to kill negative legislation, while in other states, such legislation has no real chance of passing. The SEI strives to present a balanced view of the types of advocacy that occur in different states around the country, as well as a factual record of the presence of statewide laws and policies that positively or negatively affect LGBTQ equality.
USE OF THE DEFENSES IN COURT:

As discussed above, these so-called defenses can be used in a number of ways.

Insanity: When used in conjunction with a defense of insanity or diminished capacity, LGBTQ panic claims argue that the defendant suffered a temporary mental breakdown as a result of an unwanted sexual advance from an LGBTQ victim or upon discovery of the victim’s sexual orientation or gender identity.

Self-Defense: When used in conjunction with a self-defense claim, LGBTQ panic claims argue that a defendant had reason to believe that the victim’s sexual orientation and/or gender identity placed them in danger of serious bodily harm.

Provocation: When used in conjunction with provocation, LGBTQ panic defenses argue that the victim’s non-violent sexual advance was sufficiently provocative to induce the defendant to kill in the “heat of passion.” In each of these instances, jurors are asked to find that the victim’s sexual orientation or gender identity contributed to the defendant’s violent behavior. In doing so, they excuse harm done to LGBTQ individuals and send the message that violence committed against a person as a result of their sexual orientation or gender identity is acceptable.

STATE LEGISLATIVE ACTION: ONLY A HANDFUL OF STATES HAVE PROHIBITED SO-CALLED LGBTQ “PANIC DEFENSES.”

Only eight states—California, Connecticut, Hawaii, Illinois, Maine, New York, Nevada, and Rhode Island—have enacted legislation banning the use of LGBTQ panic claims as legal defenses in the courtroom. Out of the eight, five of these bans were initiated in 2019. Several others, including the District of Columbia, Massachusetts, Minnesota, New Jersey, New Mexico, Pennsylvania, Texas, and Washington, have introduced bills to prohibit this defense.

It is imperative that states continue to enact measures banning the use of LGBTQ panic defenses in the courtroom to end the legitimization of violence against LGBTQ people and ensure that all victims of violent crimes, regardless of sexual orientation or gender identity, and their families receive equal justice.
While anti-LGBTQ legislation is harmful to all, it particularly impacts the most marginalized and vulnerable within our community. The number of bills introduced that target the transgender community has been relentless and opponents of equality continue to find new ways to discriminate. This legislative session was no exception.
TOTAL STATES WITH NON-DISCRIMINATION PROTECTIONS*

★ FOR SEXUAL ORIENTATION ★ FOR GENDER IDENTITY

- Employment: 22 | 21 (out of 50)
- Housing: 22 | 21 (out of 50)
- Public accommodations: 21 | 20 (out of 50)
- Education: 18 | 16 (out of 50)
- Credit: 16 | 16 (out of 50)
- Jury selection: 11 | 8 (out of 50)

OUT OF 50 STATES:

CONVERSION THERAPY IS RESTRICTED IN 18

26 HAVE LAWS CRIMINALIZING HIV TRANSMISSION

ELIMINATE LGBTQ PANIC DEFENSES FOR CRIMINAL ACTS

29 ALLOW TRANSGENDER-INCLUSION IN SCHOOL SPORTS

35 ALLOW TRANSIENTER PEOPLE TO CHANGE THEIR NAME & GENDER ON THEIR DRIVER’S LICENSE

21 ALLOW THE SAME FOR BIRTH CERTIFICATES

*Does not include the District of Columbia

NATIONAL STATS

TOTAL STATES WITH NON-DISCRIMINATION PROTECTIONS*
# ALABAMA

## HIGH PRIORITY TO ACHIEVE BASIC EQUALITY

### PARENTING LAWS
- Second Parent Adoption
- Surrogacy Laws
- Foster Care Non-Discrimination
- Foster Parent Training Required
- Parental Presumption for Same-Sex Couples
- Consent to Inseminate
- De Facto Parent Recognition
- Prohibition of Surrogacy
- Laws Permitting Discrimination in Adoption/Foster Placement

### NON-DISCRIMINATION LAWS
- Employment
- Housing
- Public Accommodations
- Education
- Adoption
- Foster Care
- Insurance
- Credit
- Jury Selection
- Colleges & Universities
- Non-Discrimination Policy for State Employees
- Restrictions on Municipal Protections

### RELIGIOUS REFUSAL & RELATIONSHIP RECOGNITION
- State Religious Freedom Restoration Act
- Religious Exemptions for Professional Training/Practice
- First Amendment Defense Act

### YOUTH LAWS
- Anti-Bullying Laws
  - Enumerated Categories in Law
  - Enumerated Model Policy
  - Alternative Discipline
  - Cyberbullying
- School Suicide Prevention Policies Required
- Transgender Inclusion in Sports
- Protection from Conversion Therapy
- Laws to Address LGBTQ Youth Homelessness
- LGBTQ Inclusive Sex Education Laws
- LGBTQ Inclusive Juvenile Justice Policies
- Inequality in Age of Consent for Same-Sex Couples
- School Laws that Criminalize Youth
- Anti-Bullying Laws that Prohibit Enumeration
- Laws that Restrict Inclusion of LGBTQ Topics in Schools

### HEALTH & SAFETY LAWS
- LGBTQ Non-Discrimination Protections in ACA Exchanges
- Transgender Healthcare Coverage
  - Ban on Insurance Exclusions for Trans Healthcare
  - Transgender Healthcare Inclusion in State Medicaid
  - Trans Inclusive Health Benefits for State Employees
- Name and Gender Marker Updates on Identification Documents
  - Driver's Licenses
  - Birth Certificates
- Health Data Collection
  - BRFSS
  - YRBSS
- All-Gender Single Occupancy Facilities
- Laws Prohibiting Transgender People from Receiving Appropriate ID
- Transgender Exclusions in State Medicaid Coverage

### ANNUAL PROGRESS

![Annual Progress Chart](chart.png)
## ALASKA

**HIGH PRIORITY TO ACHIEVE BASIC EQUALITY**

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### NON-DISCRIMINATION LAWS
- Employment
- Housing
- Public Accommodations
- Education
- Adoption
- Foster Care
- Insurance
- Credit
- Jury Selection
- Colleges & Universities
- Non-Discrimination Policy for State Employees
- Restrictions on Municipal Protections
- Religious Exemptions in State Non-Discrimination Laws

### HATE CRIMES & CRIMINAL JUSTICE LAWS
- Enumerated Hate Crimes Laws
- Mandatory Reporting of Hate Crimes Statistics
- Elimination of Bias Rage or Panic Defense for Criminal Acts
- Prohibiting Profiling Based on Actual or Perceived LGBTQ Status by Law Enforcement
- Sodomy Laws
- HIV/AIDS Criminalization Laws

### YOUTH LAWS

- **Anti-Bullying Laws**
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### RELIGIOUS REFUSAL & RELATIONSHIP RECOGNITION
- State Religious Freedom Restoration Act
- Religious Exemptions for Professional Training/Practice
- First Amendment Defense Act

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For more information about criteria or the SEI scoring system, please refer to page 28 or visit hrc.org/sei. For feedback regarding a particular state’s scorecard, please email sei@hrc.org.
### Arizona: High Priority to Achieve Basic Equality

#### Parenting Laws
- Second Parent Adoption
- Surrogacy Laws
- Foster Care Non-Discrimination
- Foster Parent Training Required
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- Consent to Inseminate
- De Facto Parent Recognition
- Prohibition of Surrogacy
- Laws Permitting Discrimination in Adoption/Foster Placement

#### Non-Discrimination Laws
- Employment
- Housing
- Public Accommodations
- Education
- Adoption
- Foster Care
- Insurance
- Credit
- Jury Selection
- Colleges & Universities
- Non-Discrimination Policy for State Employees
- Restrictions on Municipal Protections
- Religious Exemptions in State Non-Discrimination Laws

#### Youth Laws
- **Anti-Bullying Laws**
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  - Enumerated Model Policy
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- HIV/AIDS Criminalization Laws

#### Religious Refusal & Relationship Recognition
- State Religious Freedom Restoration Act
- Religious Exemptions for Professional Training/Practice
- First Amendment Defense Act

#### Additional Information
For more information about criteria or the SEI scoring system, please refer to Page 28 or visit HRC.ORG/SEI. For feedback regarding a particular state’s scorecard, please email SEI@HRC.ORG.

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No statewide law or policy
- Statewide law or policy for sexual orientation only
- Statewide law or policy for gender identity only
- No statewide law or policy for both sexual orientation and gender identity

**SCORECARD | STATE**

**ARIZONA**

**GOOD BILLS INTRODUCED**

**BAD BILLS INTRODUCED**

**GOOD LAWS PASSED**

(CUMULATIVE)

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HRC.ORG/SEI | 53
## PARENTING LAWS
- Second Parent Adoption
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## NON-DISCRIMINATION LAWS

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- Alternative Discipline
- Cyberbullying

### School Suicide Prevention Policies Required

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### Protection from Conversion Therapy

### Laws to Address LGBTQ Youth Homelessness

### LGBTQ Inclusive Sex Education Laws

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### Inequality in Age of Consent for Same-Sex Couples

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### LGBTQ Non-Discrimination Protections in ACA Exchanges

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- Transgender Healthcare Inclusion in State Medicaid
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### Mandatory Reporting of Hate Crimes Statistics

### Elimination of Bias Rage or Panic Defense for Criminal Acts

### Prohibiting Profiling Based on Actual or Perceived LGBTQ Status by Law Enforcement

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## RELATIONSHIP RECOGNITION & RELIGIOUS REFUSAL LAWS

### State Religious Freedom Restoration Act

### Religious Exemptions for Professional Training/Practice

### First Amendment Defense Act

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# California Scorecard

**Parenting Laws**
- Second Parent Adoption
- Surrogacy Laws
- Foster Care Non-Discrimination
- Foster Parent Training Required
- Parental Presumption for Same-Sex Couples
- Consent to Inseminate
- De Facto Parent Recognition
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- Laws Permitting Discrimination in Adoption/Foster Placement

**Non-Discrimination Laws**
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[Graph showing annual progress]
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- Ban on Insurance Exclusions for Trans Healthcare
- Transgender Healthcare Inclusion in State Medicaid
- Trans Inclusive Health Benefits for State Employees

#### Name and Gender Marker Updates on Identification Documents
- Driver’s Licenses
- Birth Certificates

#### Health Data Collection
- BRFSS
- YRBSS

#### All-Gender Single Occupancy Facilities

#### Laws Prohibiting Transgender People from Receiving Appropriate ID

#### Transgender Exclusions in State Medicaid Coverage

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#### Enumerated Hate Crimes Laws

#### Mandatory Reporting of Hate Crimes Statistics

#### Elimination of Bias Rage or Panic Defense for Criminal Acts

#### Prohibiting Profiling Based on Actual or Perceived LGBTQ Status by Law Enforcement

#### Sodomy Laws

#### HIV/AIDS Criminalization Laws
FLORIDA
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PARENTING LAWS
- Second Parent Adoption
- Surrogacy Laws
- Foster Care Non-Discrimination
- Foster Parent Training Required
- Parental Presumption for Same-Sex Couples
- Consent to Inseminate
- De Facto Parent Recognition
- Prohibition of Surrogacy
- Laws Permitting Discrimination in Adoption/Foster Placement

NON-DISCRIMINATION LAWS
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- Housing
- Public Accommodations
- Education
- Adoption
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- Credit
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- Non-Discrimination Policy for State Employees
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RELGIOUS REFUSAL & RELATIONSHIP RECOGNITION
- State Religious Freedom Restoration Act
- Religious Exemptions for Professional Training/Practice
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YOUTH LAWS
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  • Alternative Discipline
  • Cyberbullying
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ANNUAL PROGRESS
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- GOOD LAWS PASSED (CUMULATIVE)

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# Georgia

**High Priority to Achieve Basic Equality**

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- Laws Prohibiting Transgender People from Receiving Appropriate ID
- Transgender Exclusions in State Medicaid Coverage

## Annual Progress

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### RELIGIOUS REFUSAL & RELATIONSHIP RECOGNITION
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- Religious Exemptions for Professional Training/Practice
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### ANNUAL PROGRESS
- **HAWAII**

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**For more information about criteria or the SEI scoring system, please refer to page 28 or visit HRC.ORG/SEI. For feedback regarding a particular state’s scorecard, please email SEI@HRC.ORG.**

- No statewide law or policy
- Statewide law or policy present
- Not Applicable
- Statewide law or policy for sexual orientation only
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- Statewide law or policy for both sexual orientation and gender identity
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- Laws Prohibiting Transgender People from Receiving Appropriate ID
- Transgender Exclusions in State Medicaid Coverage

**ANNUAL PROGRESS**

![Annual Progress Chart](chart.png)

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**IDaho**

*High Priority to Achieve Basic Equality*
ILLOIS
WORKING TOWARD INNOVATIVE EQUALITY

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GOOD BILLS INTRODUCED
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ANNUAL PROGRESS

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IOWA
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ANNUAL PROGRESS

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SCORECARD | STATE
**KANSAS**

**HIGH PRIORITY TO ACHIEVE BASIC EQUALITY**

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- Colleges & Universities
- Non-Discrimination Policy for State Employees
- Restrictions on Municipal Protections
- Religious Exemptions in State Non-Discrimination Laws

# Religious Refusal & Relationship Recognition
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- Religious Exemptions for Professional Training/Practice
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HIGH PRIORITY TO ACHIEVE BASIC EQUALITY

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RELIGIOUS REFUSAL & RELATIONSHIP RECOGNITION

State Religious Freedom Restoration Act
Religious Exemptions for Professional Training/Practice
First Amendment Defense Act

NON-DISCRIMINATION LAWS

No statewide law or policy
Statewide law or policy present
Not Applicable
Statewide law or policy for sexual orientation only
Statewide law or policy for gender identity only
Statewide law or policy for both sexual orientation and gender identity

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![Graph showing annual progress from 2009 to 2019](image)
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### MISSISSIPPI

**HIGH PRIORITY TO ACHIEVE BASIC EQUALITY**

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MISSOURI
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**Working Toward Innovative Equality**

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Religious Exemptions for Professional Training/Practice
First Amendment Defense Act

YOUTH LAWS
Anti-Bullying Laws
- Enumerated Categories in Law
- Enumerated Model Policy
- Alternative Discipline
- Cyberbullying
School Suicide Prevention Policies Required
Transgender Inclusion in Sports
Protection from Conversion Therapy
Laws to Address LGBTQ Youth Homelessness
LGBTQ Inclusive Sex Education Laws
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Inequality in Age of Consent for Same-Sex Couples
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Laws that Restrict Inclusion of LGBTQ Topics in Schools

HEALTH & SAFETY LAWS
LGBTQ Non-Discrimination Protections in ACA Exchanges
Transgender Healthcare Coverage
- Ban on Insurance Exclusions for Trans Healthcare
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Health Data Collection
- BRFSS
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All-Gender Single Occupancy Facilities
Laws Prohibiting Transgender People from Receiving Appropriate ID
Transgender Exclusions in State Medicaid Coverage

HATE CRIMES & CRIMINAL JUSTICE LAWS
Enumerated Hate Crimes Laws
Mandatory Reporting of Hate Crimes Statistics
Elimination of Bias Rage or Panic Defense for Criminal Acts
Prohibiting Profiling Based on Actual or Perceived LGBTQ Status by Law Enforcement
Sodomy Laws
HIV/AIDS Criminalization Laws

ANNUAL PROGRESS

GOOD BILLS INTRODUCED
BAD BILLS INTRODUCED
GOOD LAWS PASSED (CUMULATIVE)

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- Second Parent Adoption
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### Annual Progress

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New Mexico is working toward innovative equality.
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### NORTH DAKOTA

**HIGH PRIORITY TO ACHIEVE BASIC EQUALITY**

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**High Priority to Achieve Basic Equality**

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# SCORECARD | STATE

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**HIGH PRIORITY TO ACHIEVE BASIC EQUALITY**

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**High Priority to Achieve Basic Equality**

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- Laws Permitting Discrimination in Adoption/Foster Placement

NON-DISCRIMINATION LAWS
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- Education
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- Insurance
- Credit
- Jury Selection
- Colleges & Universities
- Non-Discrimination Policy for State Employees
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GOOD BILLS INTRODUCED  BAD BILLS INTRODUCED  GOOD LAWS PASSED
(CUMULATIVE)

2009: 20
2010: 26
2011: 26
2012: 32
2013: 29
2014: 23
2015: 33
2016: 19
2017: 19
2018: 19
2019: 19

FOR MORE INFORMATION ABOUT CRITERIA OR THE SEI SCORING SYSTEM, PLEASE REFER TO PAGE 28 OR VISIT HRC.ORG/SEI. FOR FEEDBACK REGARDING A PARTICULAR STATE’S SCORECARD, PLEASE EMAIL SEI@HRC.ORG.
Scorecard | State

Utah
Building Equality

Parenting Laws
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- Foster Parent Training Required
- Parental Presumption for Same-Sex Couples
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# Vermont Working Toward Innovative Equality

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<tbody>
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<tr>
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- Cyberbullying

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### Trans in Medicaid
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## Annual Progress

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<th>Good Laws Passed (Cumulative)</th>
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</tr>
<tr>
<td>2019</td>
<td>3</td>
<td>0</td>
<td>37</td>
</tr>
</tbody>
</table>

For more information about criteria or the SEI Scoring System, please refer to Page 28 or visit HRC.ORG/SEI. For feedback regarding a particular state’s Scorecard, please email SEI@HRC.ORG.
VIRGINIA
HIGH PRIORITY TO ACHIEVE BASIC EQUALITY

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BAD BILLS INTRODUCED
GOOD LAWS PASSED
(CUMULATIVE)

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WASHINGTON
WORKING TOWARD INNOVATIVE EQUALITY

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HIGH PRIORITY TO ACHIEVE BASIC EQUALITY

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## Annual Progress

- [Chart showing annual progress from 2009 to 2019]

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The legal landscape for LGBTQ equality has shifted rapidly in the past several years. States have continued to push for LGBTQ equality beyond relationship recognition after the ruling in Obergefell v. Hodges made marriage equality the law of the land. Many are increasingly focused on passing non-discrimination laws, protecting LGBTQ youth, and expanding healthcare access for transgender people. This publication will continue to evaluate the changing landscape of law and provide the fullest picture of LGBTQ equality in the states.

**POSITIVE**
- LGBTQ cultural competency training requirements for various types of professionals (doctors, mental health professionals, educators, etc.)
- Proper gender and name requirements on death certificates for transgender people
- Mandatory LGBTQ-inclusive training for law enforcement
- LGBTQ-inclusive paid leave laws
- Gender marker updates for identification documents that include a non-binary, ‘X,” or similar option

**NEGATIVE**
- Laws that restrict access to supportive student groups in public schools
- Laws that allow government officials or businesses to refuse to recognize legal marriages

The rise in religious refusal bills that have become law calls for greater attention from LGBTQ advocates. The SEI will continue to recognize various laws that fall in this category. Future editions may include more nuance if particular types of laws gain traction. We will consider other changes to the SEI scorecard based on developments in state law over the next few years. As a general matter, we will not include an item in the SEI scorecard unless at least one state has passed a law or policy that qualifies under criteria for an item. Potential new criteria for future editions may include:

**CONTRIBUTING PARTNERS**

The SEI would not be complete without the time, talent, and commitment of the many folks mentioned below.

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**THE EQUALITY FEDERATION INSTITUTE**

It’s been our great pleasure to work in partnership with the Equality Federation Institute on this report. Members of the Equality Federation strive each day to achieve the equality measures that this report indexes, bringing state policy and advocacy expertise, grassroots organizing, and local experience to the fight for LGBTQ equality. The State Index Equality, and indeed, the tremendous gains in LGBTQ equality at the state level, would not be possible without their effort and relentless commitment. We particularly want to thank One Colorado, Freedom Oklahoma, Equality Texas, Trangender Education Network of Texas (TENT), and Equality Maine for their contributions to this report.

Please see the next page for the logos of groups who provided feedback to make the SEI a success.

For questions or additional information, please contact sei@hrc.org or visit www.hrc.org/sei.
Together, and with your help, we are working toward a country that can someday deliver on its fundamental promise of equality for all.

The State Equality Index would not have been possible without the valuable contributions made by state advocates. A particular thanks therefore goes out to the following: