ONE YEAR LATER: LGBTQ+ RESILIENCE & STRENGTH AMID NATIONAL STATE OF EMERGENCY

June 6, 2024

Introduction

On June 6, 2023, the Human Rights Campaign took the extraordinary step of declaring a national state of emergency for LGBTQ+ people in the United States. This declaration reflected the unprecedented increase in attacks by MAGA politicians attempting to control every aspect of our lives — from denying access to healthcare for transgender people to eroding our rights to privacy to banning books, censoring curriculum, and bullying and targeting our LGBTQ+ youth. The threat or passage of these new laws and policies has resulted in chaos across the country, creating millions of individual moments of crisis: families forced to leave their homes and move across state lines, students and educators harassed in schools and banned from accessing books and other educational materials, large swaths of the country without access to best practice, medically necessary health care, and a surge in violence against LGBTQ+ people, especially Black trans women.

But just as LGBTQ+ people have done throughout history, the community responded to these attacks with resilience, determination, and power. Over the past year, LGBTQ+ people and their allies showed up to state legislative hearings and lawmakers’ offices to defeat hateful policies in states with anti-equality legislatures. They continued showing up at school board meetings to resist Moms For Liberty takeovers and reject efforts to ban books, censor curriculum and silence LGBTQ+ people. They showed up in governors’ offices, securing crucial vetoes of anti-LGBTQ+ bills. They continued showing up to support LGBTQ+-friendly businesses, underscoring the power of the community’s economic potential. They continued showing up at the ballot box, defeating anti-LGBTQ+ politicians and, in 2023, millions of dollars in anti-LGBTQ+ ad spending in states like Kentucky, Ohio, and Virginia.

Anti-LGBTQ+ Bills Passed from 2015-2024

*As of 6/6/24; final statistics for the year are published in HRC’s annual report, the State Equality Index
While legislative attacks continue around the country, there’s no doubt that our community has shown that picking on us is a losing proposition. The state of the LGBTQ+ community is defiant and strong. And, with a majority of states having concluded their 2024 legislative sessions, it is increasingly clear that the tide is turning and momentum has begun to shift. LGBTQ+ and allied Americans are positioned to determine the outcome of major elections in November and deliver an important message nationwide: when we show up, equality wins.

II. Topline Data (as of 6/4/24)

27
Pro-Equality Bills
Signed Into Law

37
Anti-LGTBQ+ Bills
Enacted Into Law

6
Anti-LGTBQ+ Bills
Were Vetoed; One Veto Was Overridden

- AZ HB 2183 & SB 1182 were vetoed
- WI AB 377 & HB 510 were vetoed
- KS SB 233 was vetoed and veto override failed
- Ohio: HB 68 was vetoed but veto was overridden by the legislature
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2023 Compared to 2024

Bills Enacted by June 6, 2023 v. June 6, 2024

Momentum Shift

The LGBTQ+ and allied community’s relentless and defiant fight for equality, in the face of a national state of emergency, is fueling a shift in momentum. During the 2024 state legislative season, the anti-LGBTQ+ agenda is faltering and anti-trans politicians are losing steam.

States Where Attacks Failed

In a number of states with Republican control of both legislative chambers, and often the governorship, anti-LGBTQ+ legislation largely stalled. For instance,

- In Arizona, an effort by legislators to bypass the governor’s veto and put an
anti-LGBTQ+ measure on the ballot this November failed after transgender Arizonans met with a GOP senator, moving him to oppose the bill.

- In Florida, a state that has become synonymous with anti-LGBTQ+ political attacks under the leadership of Governor Ron DeSantis, just **two of the more than 20** proposed anti-LGBTQ+ measures were signed into law. Anti-LGBTQ+ bills defeated or neutralized this session included proposals that would have banned Pride and other flags from being flown at government buildings, expanded Don’t Say LGBTQ+ restrictions into workplaces, and imposed new restrictions on driver’s licenses and state-issued identification documents designed to undermine legal recognition of transgender Floridians. In a firm rejection of a list of demands from her own party, Republican Senate President Kathleen Passidomo told Politico, “Our bill process is not the Republican Party of Florida. We are the Legislature. We make the laws. We review the laws…I’m not going to, because the Republican Party of Florida has a platform, take [a bill] out of a committee or violate our rules.”

- In neighboring Georgia, **every new anti-LGBTQ+ bill proposed was defeated.** The 20+ defeated anti-LGBTQ+ bills this session included attempts to: enact a state religious refusal bill, which could have granted a license to discriminate against LGBTQ+ Georgians and other marginalized communities more broadly, bar transgender and nonbinary students from using the school bathroom facilities that align with their gender identity, install sweeping sex education regulations that verged on “Don’t Say LGBTQ+”-style restrictions, ban transgender students from participating in school sports on teams that align with their gender identity, further restrict access to health care for transgender youth, and restrict drag performances in the state. The successful defeat of all anti-LGBTQ+ bills came after months of organizing from advocates and allies.

**Georgia Equality Executive Director Jeff Graham** in an interview with the Washington Post on the defeat of anti-LGBTQ+ legislation in Georgia:

“...I've been doing this long enough that I see LGBTQ+ issues ebb and flow over time. That doesn't mean we are out of the woods. It doesn't mean we aren't going to see these attacks continue. But I do think we're beginning to see people push back and say enough is enough. This is not what we elected you to do.”

- In West Virginia, **more than 20 anti-LGBTQ+ bills were defeated**, including attempts to regulate gender and erase LGBTQ+ people, and efforts to ban access to necessary medical care for transgender youth.

- And in other states, like Indiana, Missouri, Nebraska, and South Dakota, the story was the same. Over and over again, anti-LGBTQ+ legislation faltered and failed.

**Openly-gay Nebraska State Senator John Fredrickson** in a speech preceding the defeat of a bill to ban transgender students from accessing school facilities that align with their gender identity:

“Don't spend a minute of your energy or time thinking about any of my colleagues in here who are too scared of difference to allow themselves to understand and celebrate the beauty and joy that you bring to our state.”
The sum total is a shifting political tide and more evidence that legislators are beginning to realize that the extreme anti-LGBTQ+ agenda is deeply unpopular across the country.

Pro-Equality Governors Lead

The power of the community also shows up in the commitment of pro-equality governors, who have rejected MAGA efforts to restrict freedom in multiple states.

**Arizona Gov. Katie Hobbs** vetoed two anti-LGBTQ+ bills, including those that would have required health care entities to provide parents access to minors’ medical records, including for services that do not require parental approval, and a bill that would have banned transgender students from accessing some locker room facilities that aligned with their gender identity. “As I have said time and time again, I will not sign legislation that attacks Arizonans,” Hobbs wrote in her veto letter of one of the anti-trans bills. She has been a stalwart champion of equality and has previously vetoed similar anti-LGBTQ+ legislation, including a 2023 bill that would have banned transgender students and school personnel from accessing bathrooms aligned with their gender identity.

**Kansas Governor Laura Kelly** vetoed a bill that would have banned access to medically necessary, best practice health care for transgender youth. In a statement explaining her decision, Governor Kelly said, “The last place I would want to be as a politician is between a parent and a child who needed medical care of any kind. This divisive legislation targets a small group of Kansans by placing government mandates on them and dictating to parents how to best raise and care for their children. I do not believe that is a conservative value, and it's certainly not a Kansas value.” The governor has previously vetoed multiple bills targeting transgender individuals, refusing to single out any Kansan for discrimination.

**Wisconsin Governor Tony Evers** kept his promise and rejected bills to ban transgender students from participating on sports teams consistent with their gender identity and to force teachers to misgender and deadname students. In a fierce defense of LGBTQ+ lives, Governor Evers said, “States across this country may give way to radical policies targeting LGBTQ individuals and families and threatening LGBTQ folks’ everyday lives and their ability to be safe, valued, supported, and welcome being who they are. As long as I am the governor of this great state, Wisconsin will not be among them.”

States Advancing Equality

But winning the fight for full lived equality is not just about stemming the tide of bad legislation and holding back the onslaught of hateful rhetoric. Winning means moving society forward. It means advancing equality. It means imagining what less hate and more inclusion can look like in practice. This year, there are states doing exactly that. **Ten states have signed a total of 27 new pro-equality laws so far this year.** Among those:
Colorado, a state with an openly-LGBTQ+ governor, signed four new pro-equality laws this year, underscoring the power of having representation at the highest levels of government.

In Florida, a state whose MAGA leadership has become synonymous with attacks on the rights and freedoms of LGBTQ+ people, a new pro-equality law was signed expanding access to PrEP and PEP, medications designed to prevent the transmission of HIV.

Maine enacted a new law extending the state’s existing non-discrimination protections — including on the basis of sexual orientation and gender identity — to include prohibitions on discrimination by public entities.

In 2022, Equality Voters helped to flip control of the Michigan legislature, securing a pro-equality majority in the House and Senate to work alongside pro-equality Governor Gretchen Whitmer. The result has been a cascade of progressive, pro-equality legislation, including nine new pro-equality laws signed this year.

In Washington State, four new pro-equality bills became law, ranging from protections for access to medically necessary health care for transgender Washingtonians to requiring instructional materials to include the contributions of LGBTQ+ people to supporting victims of hate crimes.

Pro-Equality Bills Signed Into Law (as of 6/5/24)
For Many, States of Emergency Continue

Where there is shifting momentum, MAGA lawmakers continue doubling down on hate and pushing forward deeply unpopular, anti-LGBTQ+ legislation that is upending people's lives. Transgender people are still having their health care stripped away. Families are still battling classroom censorship and book bans. LGBTQ+ people across the country are still being forced to grapple with MAGA bullies intent on curtailing our freedoms. **In all, fifteen states have enacted 37 new anti-LGBTQ+ laws so far this year.**

MAGA lawmakers in Ohio caved to Donald Trump's pressure campaign, overriding a veto by Governor Mike DeWine of a ban on access to care for transgender youth. Despite the deep unpopularity of political intervention into family health care and the devastating consequences of these bans, anti-equality legislators abandoned transgender youth and their families, simply to rile up their far-right base.

South Carolina Governor Henry McMaster signed a ban on access to medically necessary, best practice health care for transgender youth, leaving Virginia as the last remaining state in the South without such a ban. The law will also prohibit the use of public funding for that care for transgender people of all ages, including those who access health care through Medicaid.

MAGA politicians in Tennessee, already the state that has passed more anti-LGBTQ+ laws since 2015 than any other in the nation, passed another **nine anti-LGBTQ+ laws** this year, including a new law allowing people to foster or adopt a child whose sexual orientation or gender identity they refuse to affirm, preventing the state Department of Children's Services from ensuring that LGBTQ+ youth are placed with supportive caregivers. Tennessee has now enacted **27 anti-LGBTQ+ laws since 2015.**

**Crucial Federal Support**

While much of the battle for equality is being waged in state legislatures nationwide, critical federal help is also pushing back against the tide of anti-LGBTQ+ policy and advancing nondiscrimination protections for LGBTQ+ people.

- After years of advocacy from the Human Rights Campaign and others, the Biden-Harris Administration, the most pro-equality in American history, finalized new administrative rules clarifying nondiscrimination protections for LGBTQ+ people in numerous areas of life:
  - A new rule under Title IX of the Education Amendments Act of 1972 clarifies the scope of nondiscrimination protections on the basis of sexual orientation and gender identity throughout educational activities and programs. The rule also reverses Trump-era changes to Title IX that weakened federally-funded educational institutions’ obligation to address sexual harassment and assault and clarifies protections for pregnant and parenting students.
  - A new rule strengthens Affordable Care Act nondiscrimination protections under Section 1557, providing clear protections on the basis of sexual orientation and sex characteristics. The rule also improves pre-existing protections for gender identity, a major win for improved health care access for LGBTQ+ Americans.
New rules were also finalized to update longstanding guidance on workplace harassment to align with the Supreme Court’s landmark decision in *Bostock v. Clayton County* (2020), making clear that sex-based harassment includes mistreatment on the basis of sexual orientation or gender identity, and to strengthen protections for LGBTQ+ youth in the foster care system.

The Biden-Harris Administration has, through the Department of Justice and other federal agencies, supported LGBTQ+ equality in the courts as well — since President Biden took office, the administration has brought and supported challenges to discriminatory laws passed by several states, including Tennessee, Alabama, West Virginia, Idaho, and more. The administration has also invited people who believe they have experienced anti-LGBTQ+ discrimination to file complaints so that the administration can take further action.

Due to the work of the Biden Administration, congressional equality champions and the relentless advocacy efforts of the Human Rights Campaign and other LGBTQ+ organizations, more than 50 proposed anti-LGBTQ+ riders were stripped from the final version of the federal government’s $1.2 trillion March 2024 funding package. Despite demands from MAGA lawmakers in the House that the critical budget bills be saddled with anti-LGBTQ+ provisions, bipartisan, bicameral negotiations led to the rejection of 51 of 52 newly-proposed riders.

The Turning Tide

Showing up matters. When we show up, we can elect champions committed to advancing equality — and ensure they follow through when in office. We can push back against hateful anti-LGBTQ+ bills. We can turn the tide of public opinion on LGBTQ+ issues, stories and lived experiences. One year after the Human Rights Campaign declared a national state of emergency for LGBTQ+ Americans, the community continues to demonstrate that it is undeterred.

Throughout our history, LGBTQ+ people have met hate and vitriol with unapologetic joy, defiant pride, and audacious love. No matter the efforts to dehumanize, bully, or erase us, we still show up. **And when we show up, equality wins.**

The Last Word

“Despite years of relentless attacks and dehumanizing rhetoric, LGBTQ+ people and our allies have continued to show up: for each other, our families, and the right to live our lives,” said Human Rights Campaign President Kelley Robinson. “People across the country have continued pouring into state houses to speak out and push back against the anti-LGBTQ+ agenda. They have continued to show up at the ballot box to reject bigotry and hate. The fight for that future is far from over and millions are still living in a crushing state of emergency created by MAGA bullies. But what’s clear is that the people will prevail. And when we show up, equality wins.”