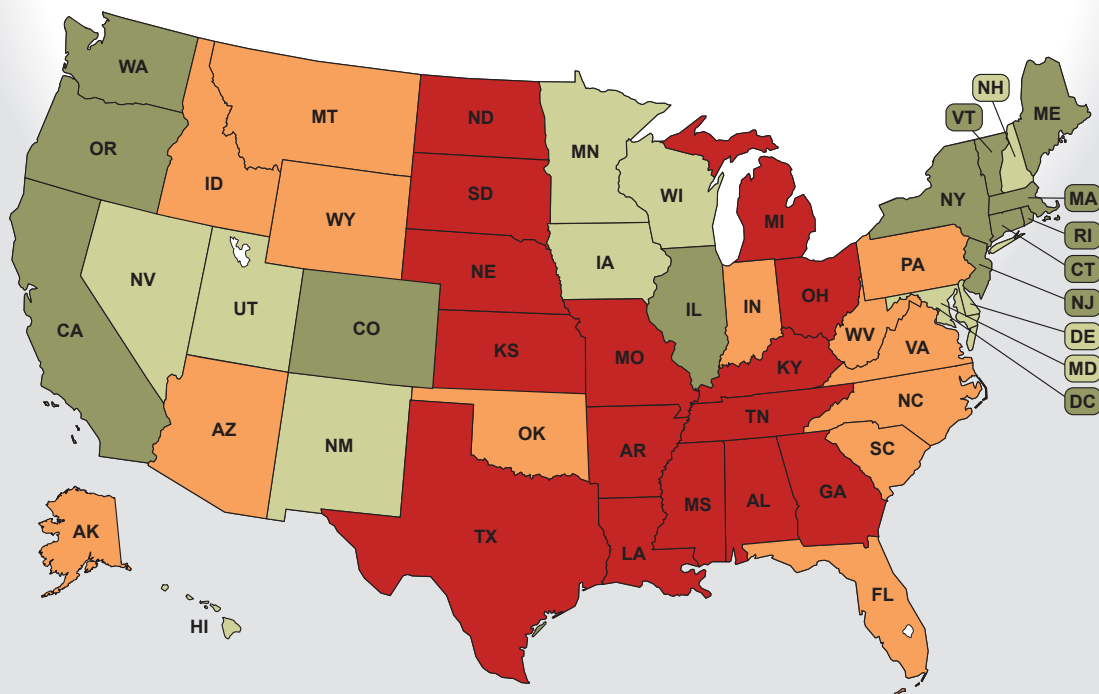


THIS REPORT WAS CURRENT
AS OF MAY 2015. PLEASE VISIT OUR
UPDATED POLICY MAPS AT
www.lgbtmap.org/equality-maps

MAPPING LGBT EQUALITY IN AMERICA



Percent of LGBT People Living in States at Each Policy Tally Level

39%

High Policy Tally
(12 states + D.C.)

9%

Medium Policy Tally
(10 states)

23%

Low Policy Tally
(13 states)

29%

Negative Policy Tally (15 states)

Note: Varying levels of implementation/enforcement of laws have not been taken into account.
May not total 100% due to rounding.



This report was authored by:

Movement Advancement Project

The Movement Advancement Project (MAP) is an independent think tank that provides rigorous research, insight and analysis that help speed equality for LGBT people. MAP works collaboratively with LGBT organizations, advocates and funders, providing information, analysis and resources that help coordinate and strengthen efforts for maximum impact. MAP's policy research informs the public and policymakers about the legal and policy needs of LGBT people and their families.

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MAP thanks the following funders, without whom this report would not have been possible.

David Bohnett Foundation
David Dechman
Ford Foundation
David Geffen Foundation
Gill Foundation
Esmond Harmsworth
Jim Hormel
Johnson Family Foundation
Amy Mandel and Katina Rodis
Weston Milliken
The Palette Fund
Mona Pittenger
H. van Ameringen Foundation
Wild Geese Foundation

Note:

This report is current as of publication - May 28th, 2015 - and may not have taken into account laws and policies that were passed around the time of publication but did not come into full effect until after publication. Please visit the online maps at www.lgbtmap.org/equality-maps for complete, up-to-date information.

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INTRODUCTION

Like other Americans, LGBT people simply want a fair chance to earn a living, be healthy and safe in their communities, and take care of the ones they love. Unfortunately, LGBT Americans and their families face a significant barrier to achieving these goals. That barrier is a lack of equality under the law.

This publication sets out to identify and explain the key gaps in legal equality for LGBT Americans by:

- Introducing the major state and local laws and policies that protect or harm LGBT people, and providing a breakdown of those laws and policies by state;
- Showing how protections for LGBT Americans vary based on sexual orientation and gender identity and expression;
- Illustrating how today's legal and policy landscape would shift (and how it would stay the same) if the Supreme Court rules that same-sex couples have the right to marry.

Thanks to the hard work of LGBT advocacy organizations across the country, local, state and federal governments are legislating protections for LGBT people at unprecedented rates. Yet progress has been slow and difficult in many states due to a combination of hostile political climates and lower levels of investment in equality within those states. Anti-LGBT activists are redoubling efforts to undermine legal protections or to bar LGBT people from further legal advances.

As a result of the uneven and uncertain progress for LGBT equality, LGBT people in America face an almost incomprehensible patchwork of laws. An LGBT individual or family may have a high level of legal equality in one state, while their LGBT counterparts in a neighboring state face only hostile or negative laws.

The Movement Advancement Project tracks and provides daily updates about laws and policies affecting LGBT people through our Equality Maps, found at www.lgbtmap.org/equality-maps. Because of how rapidly laws are changing, this report only includes one sample state breakdown. Readers are encouraged to visit the online [maps](http://www.lgbtmap.org/equality-maps) for the most up-to-date information about a particular law or a particular state.

METHODOLOGY

The map on the front cover of this report shows the overall equality tally for each state and the District of Columbia. A state's "policy tally" counts the number of positive laws and policies within the state that help drive equality for LGBT people.

The major categories of laws covered by the policy tally include:

1. Marriage and Relationship Recognition
2. Adoption and Parenting
3. Non-Discrimination
4. Safe Schools
5. Health and Safety
6. Ability for Transgender People to Correct the Gender Marker on Identity Documents

Across these six categories, each positive law counts as a single point (though fractions of a point are assigned to states with positive local laws that do not cover the entire state population or to states that have enacted a portion of a law). A state's policy tally is reduced by a point if the state has a negative law that harms or deliberately targets LGBT people. A state's possible tally ranges from -10 to 34. *Table 1* shows the cut-offs for a state having a "negative," "low," "medium" or "high" tally.

Note that the tallies examine only at existing laws—they do not look at the social climate, nor do they take into account implementation of each state's laws. The tally also does not reflect the efforts of advocates and/or opportunities for future change. States with low tallies might shift rapidly with an influx of resources, whereas those states with high tallies might continue to expand equality for LGBT people in ways that can provide models for other states.

	Sexual Orientation Tally	Gender Identity Tally	Overall Tally
High	11 to 19	8 to 15	19 to 34
Medium	4 to 10.99	3 to 7.99	7 to 18.99
Low	0 to 3.99	0 to 2.99	0 to 6.99
Negative	-5 to -0.01	-5 to -0.01	-10 to -0.01

NATIONAL OVERVIEW: STATE LGBT POLICY TALLIES ACROSS THE U.S.

The infographic on the next page provides a different view of each state's total LGBT policy tally than the map found on the front cover. State tallies run from a high of 29.25 out of 34 (California) to a low of -6.00 (Louisiana). There are 12 states and D.C. with high tallies, 10 states with medium tallies, 13 states with low tallies, and 15 states with negative tallies. States with high tallies generally offer solid protections across the six major policy areas examined in this report. States with low or negative tallies offer few or no protections. States with medium tallies often offer positive marriage and parenting laws, but fall short on safe schools, non-discrimination laws, health and safety laws, or laws and policies that help transgender people update the gender marker on their identity documents. See Appendix B for the methodology and a detailed list of all the state laws and policies examined in the policy tally.

SAMPLE INDIVIDUAL STATE LGBT POLICY TALLY

We use Minnesota as an example of a state policy tally, accurate at date of publication. Up-to-date policy tallies for every state can be found at www.lgbtmap.org/equality-maps. The Minnesota state policy table on pages 4 through 7 provides further information on how we compiled the tallies for each state, but the remainder of this report examines summary tallies.

SEXUAL ORIENTATION AND GENDER IDENTITY POLICY TALLIES

Each state's tally is broken into the state's laws and policies that harm or protect based on sexual orientation and the laws and policies that harm and protect based on gender identity. In general laws covering sexual orientation affect lesbian, gay and bisexual people, while laws covering gender identity affect transgender people, although there is significant overlap. A state that has good protections on the basis of sexual orientation, but does not have good protections on the basis of gender identity, may not receive a "high" score in the overall state policy tally. Only nine states and D.C. are categorized as "high" for both tallies, while 11 states are categorized as "negative" for both tallies.

What is notable in the overall tallies is the clear lag in protections on the basis of gender identity. Twenty-four states have negative tallies for gender identity protections compared to 13 states that have negative tallies for sexual orientation protections as shown in the infographics on pages 8 and 9.

The term "sexual orientation" is loosely defined as a person's pattern of romantic or sexual attraction to people of the opposite sex or gender, the same sex or gender, or more than one sex or gender. Laws that explicitly mention sexual orientation primarily protect or harm lesbian, gay, and bisexual people. That said, transgender people who are lesbian, gay or bisexual can be affected by laws that explicitly mention sexual orientation.

"Gender identity" is a person's deeply-felt inner sense of being male, female, or something else or in-between. "Gender expression" refers to a person's characteristics and behaviors such as appearance, dress, mannerisms and speech patterns that can be described as masculine, feminine, or something else. Gender identity and expression are independent of sexual orientation, and transgender people may identify as heterosexual, lesbian, gay or bisexual. Laws that explicitly mention "gender identity" or "gender identity and expression" primarily protect or harm transgender people. These laws also can apply to people who are not transgender, but whose sense of gender or manner of dress does not adhere to gender norms and stereotypes.

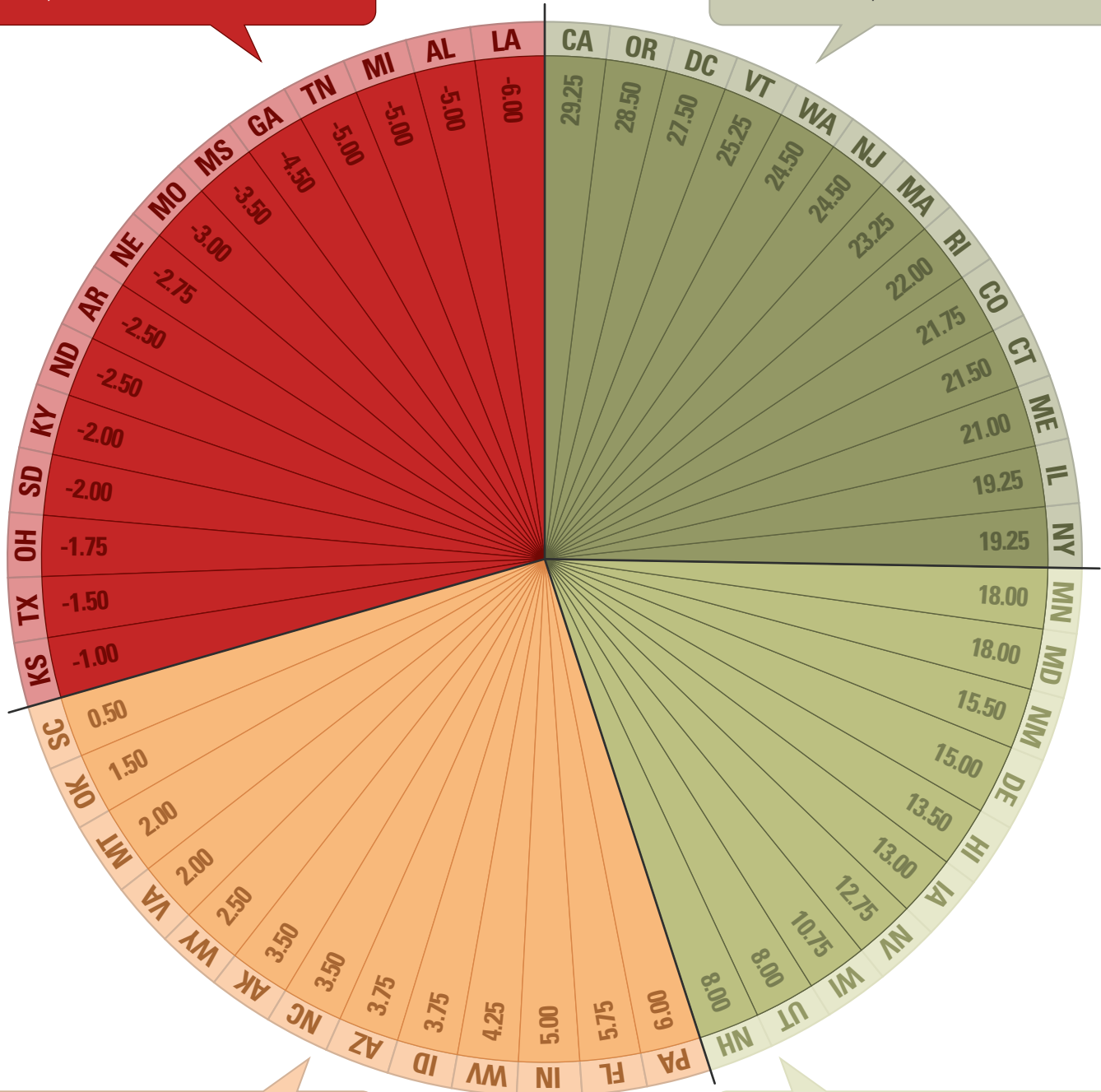
LGBT POLICY TALLIES BY STATE

NEGATIVE EQUALITY STATES

15 STATES, 29% OF THE LGBT POPULATION

HIGH EQUALITY STATES

12 STATES & DC, 39% OF THE LGBT POPULATION



LOW EQUALITY STATES

13 STATES, 23% OF THE LGBT POPULATION

MEDIUM EQUALITY STATES

10 STATES, 9% OF THE LGBT POPULATION

KEY



HIGH POLICY TALLY



MEDIUM POLICY TALLY



LOW POLICY TALLY



NEGATIVE POLICY TALLY

STATE POLICY TALLY EXAMPLE - MN

State Policy Profile - Minnesota

[↩ SHARE](#)[</> EMBED](#)[🖨 PRINT](#)

Quick Facts About Minnesota

Total State Population:

5,303,925

Total Adult Population:

4,102,991

Total LGBT
Population:

118,987

% of Same-Sex
Couples Raising
Children:
16%LGBT % of State
Adult Population:

2.9%

Minnesota's LGBT Policy Tally

[VIEW METHODOLOGY/MORE INFORMATION](#)

Sexual Orientation Policy Tally:

11.50/19



HIGH

Gender Identity Policy Tally:

6.50/15

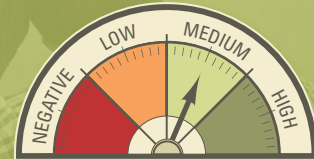


MEDIUM

Overall Tally:

18/34

MEDIUM

See how Minnesota compares to the rest of the country on the [Snapshot](#) page.

Minnesota's LGBT Laws and Policies

Click on each issue for more information and to see where the state fits into the national landscape.

ICON KEY

- ✓ Indicates state law or policy
- ✓ Indicates local laws or policies and/or partial law
- ✗ Indicates no law or policy
- Enumeration not applicable

[VIEW METHODOLOGY/
MORE INFORMATION](#)

Marriage and Relationship Recognition	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Marriage for Same-Sex Couples		1/1	—	—
Medical Decision Making Authority for Same-Sex Couples		1/1	—	—
State Family Leave Laws Covering Same-Sex Couples		0/1	—	—
Negative Law: Ban on Marriage and/or Relationship Recognition for Same-Sex Couples	No negative law	0/-1	—	—
Subtotal	2/3		—	
Marriage and Relationship Recognition Total	2/3			

STATE POLICY TALLY EXAMPLE - MN



[VIEW METHODOLOGY/
MORE INFORMATION](#)

Adoption and Parenting Laws	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Second-Parent and Stepparent Adoption for Same-Sex Parents	✓	0.5/1	—	—
Joint Adoption: Statewide Access for Same-Sex Parents	✓	1/1	—	—
Adoption Non-Discrimination Protections for LGBT Parents	✗	0/1	✗	0/1
Foster Care Non-Discrimination Protections for LGBT Parents	✗	0/1	✗	0/1
Recognition for Parents Using Donor Insemination	✓	0.5/1	—	—
Legal Recognition of <i>De Facto</i> Parents	✓	0.5/1	—	—
State Family Leave Laws Allowing Workers to Care for Children They Are Raising	✓	0.5/1	—	—
Negative Law: Restrictions on Adoption and/or Foster Care by Same-Sex Parents	No negative law	0/-1	—	—
Subtotal	3/7		0/2	
Adoption and Parenting Total	3/9			



[VIEW METHODOLOGY/
MORE INFORMATION](#)

Non-Discrimination Laws	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Employment Non-Discrimination Laws*		1/1		1/1
Housing Non-Discrimination Laws*		1/1		1/1
Public Accommodations Non-Discrimination Laws*		1/1		1/1
Credit and Lending Non-Discrimination Laws		1/1		1/1
Negative Law: State Religious Exemptions Laws (RFRA's)	No negative law	0/-0.5	No negative law	0/-0.5
Negative Law: State Bans Cities and Counties from Passing Non-Discrimination Laws	No negative law	0/-0.5	No negative law	0/-0.5
Subtotal	4/4		4/4	
Non-Discrimination Total	8/8			

*If state lacks statewide law, tally looks at local non-discrimination ordinances in employment, housing, and public accommodations and provides partial points based on percent of LGBT population covered by local laws.

STATE POLICY TALLY EXAMPLE - MN



[VIEW METHODOLOGY/
MORE INFORMATION](#)

Safe School Laws and Policies	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Non-Discrimination Laws and Policies Covering LGBT Students†		1/1		1/1
Anti-Bullying Laws and Policies Covering LGBT Students†		1/1		1/1
Negative Law: "Don't Say Gay" Law Barring or Explicitly Restricting Educators From Discussing LGBT People or Issues in Schools	No negative law	0/-0.5	No negative law	0/-0.5
Negative Law: Bans Local Schools and Districts from Passing LGBT Non-Discrimination and/or Anti-Bullying Policies	No negative law	0/-0.5	No negative law	0/-0.5
Subtotal	2/2		2/2	
Safe Schools Total	4/4			

[†]Tally does not reflect local school district non-discrimination or anti-bullying laws and policies.



[VIEW METHODOLOGY/
MORE INFORMATION](#)

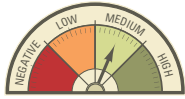
Health and Safety Policies	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Conversion Therapy Ban Covering LGBT Youth	✗	0/1	✗	0/1
Hate-Crime Law Covering LGBT People	✓	1/1	✓	1/1
Private Health Insurance Non-Discrimination	✗	0/1	✗	0/1
Health Insurance Providers Banned from Excluding Coverage of Transgender-Specific Care	—	—	✗	0/1
State Medicaid Policy Related to Coverage for Transgender People	—	—	NEGATIVE LAW	-1/1
Negative Law: State Criminalizes Exposure to and/or Transmission of HIV	NEGATIVE LAW	-0.5/-0.5	NEGATIVE LAW	-0.5/-0.5
Subtotal	-0.5/3		0.5/5	
Health and Safety Total	0/8			



[VIEW METHODOLOGY/
MORE INFORMATION](#)

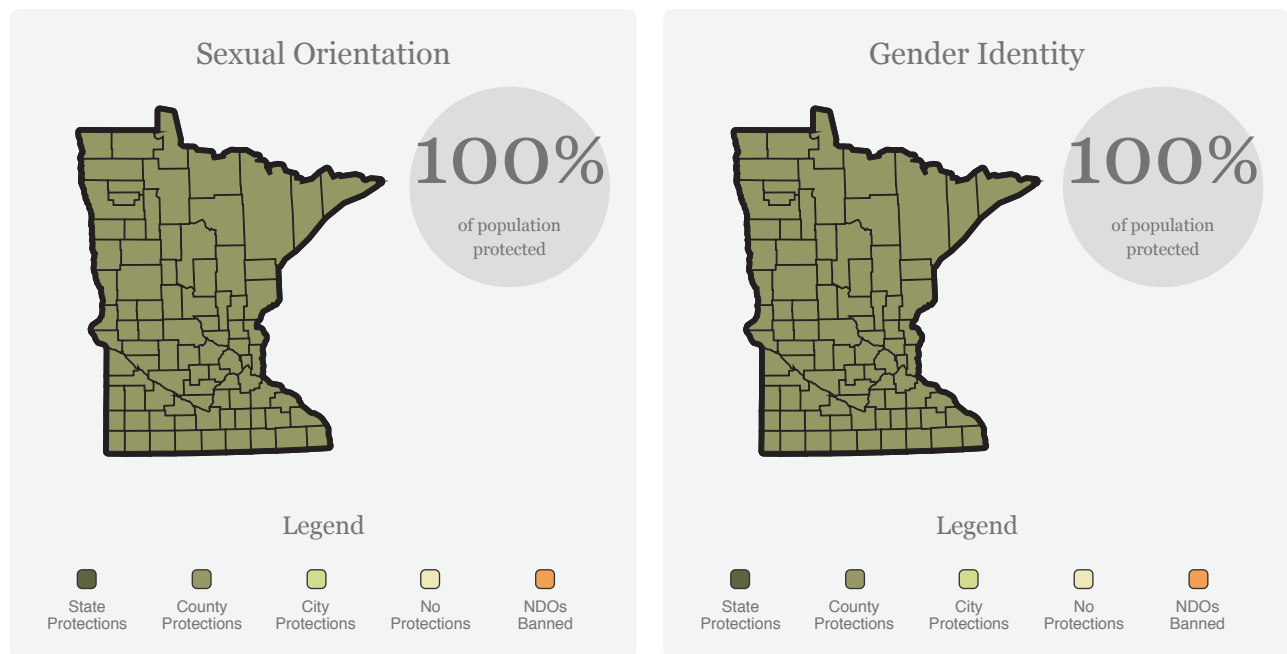
Ability for Transgender People to Correct the Gender Marker on Identity Documents	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Driver's Licenses	—	—	✓	0.5/1
Birth Certificates	—	—	✓	0.5/1
Subtotal	—		1/2	
Identity Documents Total	1/2			

STATE POLICY TALLY EXAMPLE - MN



Grand Total	Sexual Orientation Policy Tally	Gender Identity Policy Tally	Overall Tally
Totals	11.50/19	6.50/15	18.00/34
Ratings	HIGH	MEDIUM	MEDIUM

Local Municipalities & Counties with Non-Discrimination Ordinances Covering Private Employers*



NOTE: As a result of a 2012 Equal Employment Opportunity Commission (EEOC) ruling, the federal sex discrimination law, Title VII, now protects employees nationwide from discrimination on the basis of sexual orientation, gender identity and gender expression. By contrast, this list reflects state and local laws and ordinances that explicitly protect workers from discrimination based on their gender identity.

*Only jurisdictions with ordinances that prohibit discrimination in private employment are listed. Other localities may have executive orders that apply to government employees and these are not listed. The level of enforcement of these ordinances may vary by jurisdiction. This information is constantly changing, and we welcome suggestions for additions or changes. Email us [here](#). This data was collected in collaboration with the [Equality Federation](#) and [Outfront Minnesota](#).

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Click a Link Below for Each State's Full Policy Tally

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia

Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland

Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey

New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina

South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming

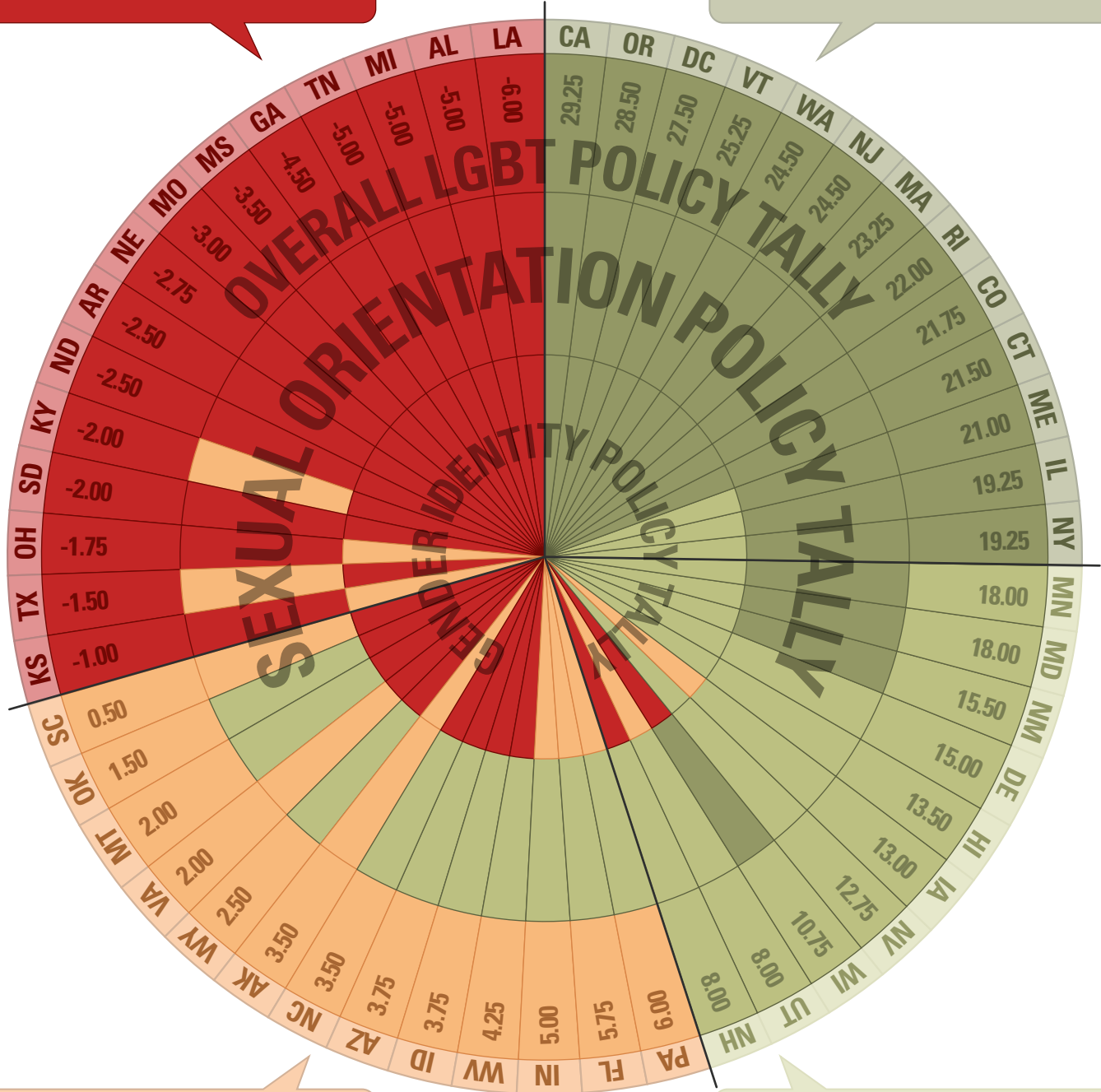
STATE TALLIES BY SEXUAL ORIENTATION AND GENDER IDENTITY

NEGATIVE EQUALITY STATES

15 STATES, 29% OF THE LGBT POPULATION

HIGH EQUALITY STATES

12 STATES & DC, 39% OF THE LGBT POPULATION



LOW EQUALITY STATES

13 STATES, 23% OF THE LGBT POPULATION

MEDIUM EQUALITY STATES

10 STATES, 9% OF THE LGBT POPULATION

KEY

HIGH POLICY TALLY

MEDIUM POLICY TALLY

LOW POLICY TALLY

NEGATIVE POLICY TALLY

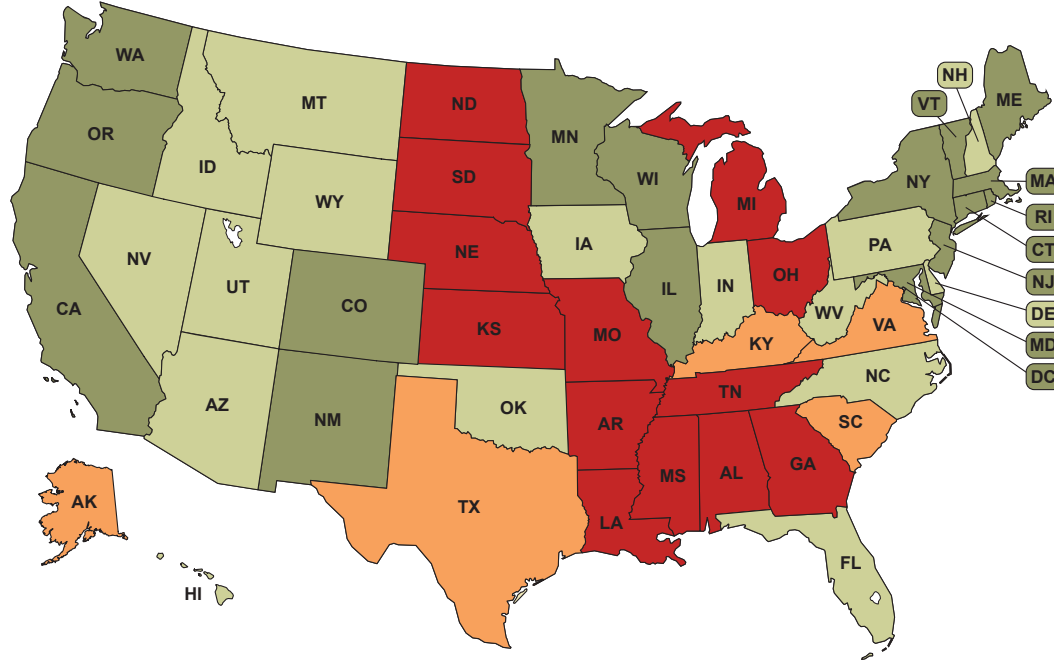
*As of March 6, 2015, marriage is legal statewide, but the Alabama Supreme Court has forbidden state clerks from issuing licenses to same-sex couples.

Note: As of March 6, 2015, Kansas and Missouri have court rulings in favor of marriage equality, and marriage and adoption will be available to same-sex couples pending further action.

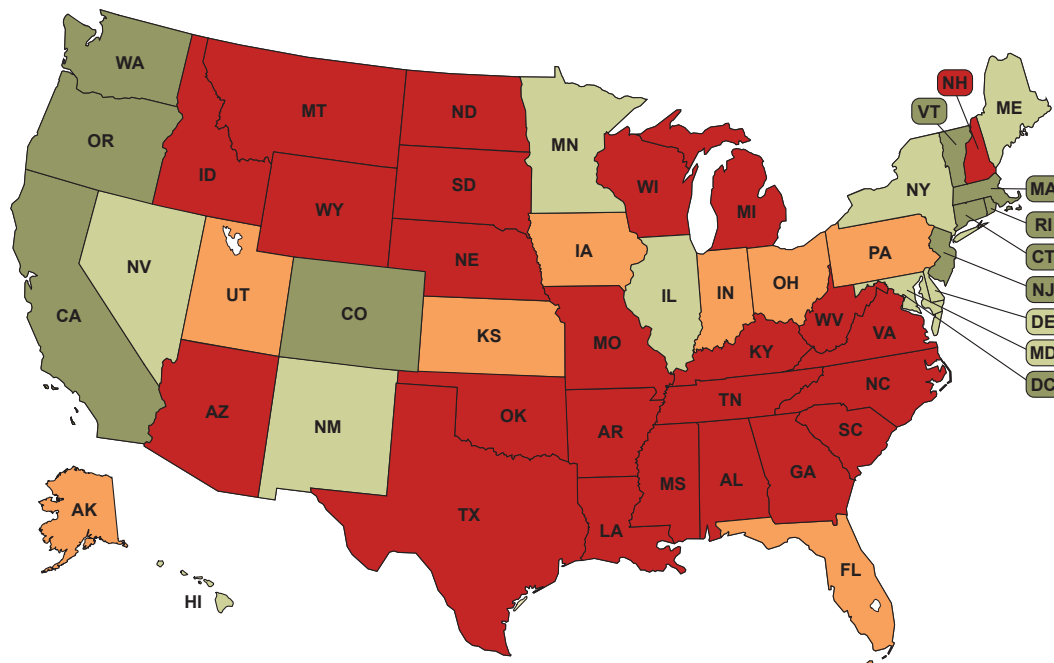
Source: Movement Advancement Project, "LGBT Equality Maps."

SEXUAL ORIENTATION AND GENDER IDENTITY POLICY TALLIES BY STATE

SEXUAL ORIENTATION BY STATE



GENDER IDENTITY BY STATE



PERCENT OF POPULATION COVERED

As seen in *Figure 1a*, more than half of all LGBT people live in states with a low or negative overall policy tally. And only 39% of LGBT people live in states with a high overall policy tally. Comparing the sexual orientation and gender identity tallies, only 28% of LGBT people live in a state with a high gender identity tally, compared to nearly half (45%) of LGBT people living in a state with a high sexual orientation tally. Overall, 55% of LGBT people live in states with a low or negative gender identity tally, compared to just 33% who live in states with a low or negative sexual orientation tally.

Same-sex couples are raising children at higher rates in states with lower policy tallies (see *Figure 2*). The average percentage of same-sex couples raising children across the country is 22%.

Figure 1: Percent of LGBT People Living in States with Each Policy Tally

Figure 1a: Overall Tally

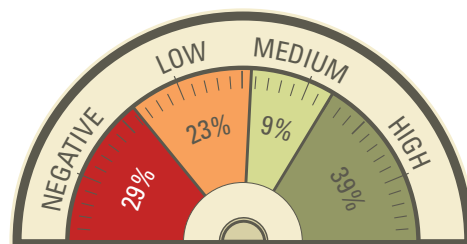


Figure 1b: Sexual Orientation Tally

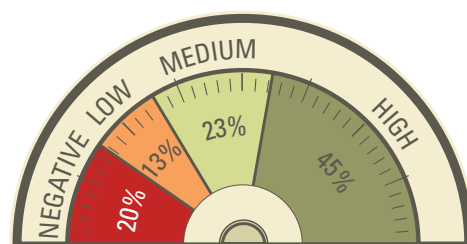
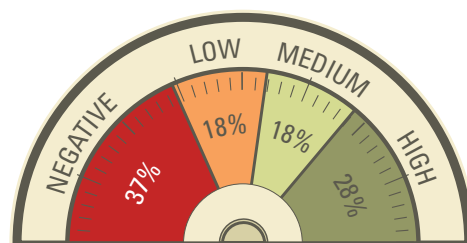


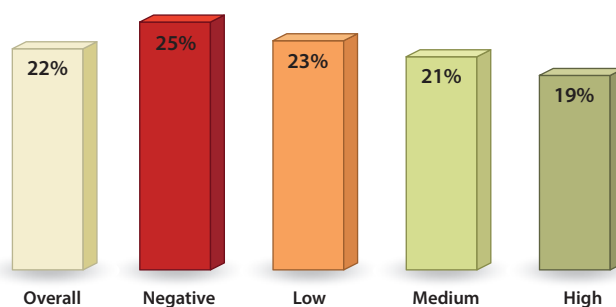
Figure 1c: Gender Identity Tally



Note: May not total 100% due to rounding.

Source: Movement Advancement Project, Equality Maps, current as of April 20, 2015. For updates see http://lgbtmap.org/equality-maps/legal_equality_by_state.

Figure 2: Average Percent of Same-Sex Couples Raising Children in States with Each Policy Tally



WHAT CHANGES IF THE SUPREME COURT GRANTS MARRIAGE NATIONWIDE?

In June 2015, the Supreme Court will issue a historic ruling on whether same-sex couples have a right to marry in every state. While an affirmative ruling would forever change the legal landscape for same-sex couples, such a ruling would not bring full equality to LGBT people in the United States. Many committed same-sex couples would indeed celebrate a favorable Supreme Court ruling by entering into the lifelong promise of marriage. And the legal recognition of those marriages would give LGBT parents and spouses legal security and alleviate many of the emotional and financial burdens they have faced because of unequal marriage rights.

But there are many problems that nationwide marriage equality would not solve. For example, LGBT students in most states would still lack protections from bullying and harassment. Under the laws of most states, it would still be legal to unfairly fire or deny housing to LGBT people just because of who they are or who they love. Transgender people would still face unnecessary obstacles to updating their identity documents to reflect their gender. LGBT youth would still be subjected to harmful and discredited conversion therapy practices. Transgender people would still face exclusions for medically-necessary care. The list of stubbornly persistent inequalities goes on and on. In fact, some states have even passed laws deliberately *taking away* LGBT people's rights, for example by trying to enshrine a right to discriminate, by creating obstacles to adoption or foster care, or by barring schools from enumerating protections for LGBT students. These laws would still stand.

Shift in State Tallies if Marriage Becomes Legal Nationwide

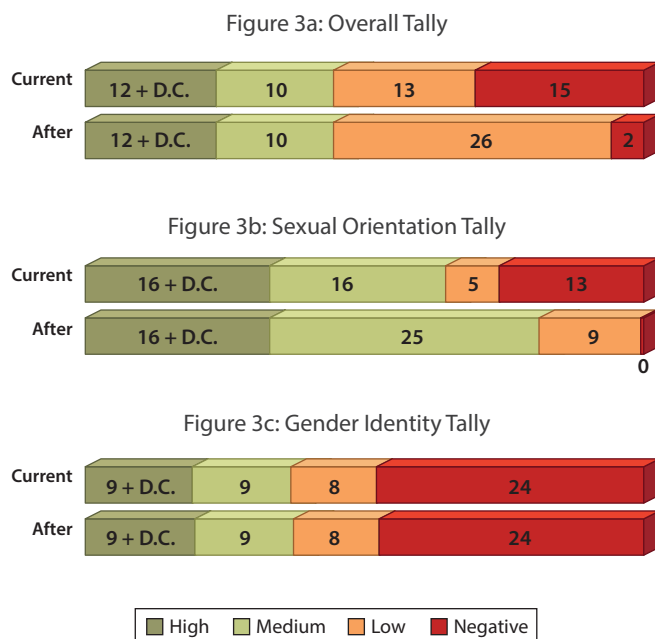
The infographics on the next four pages help illustrate what an affirmative marriage ruling would change—and what would stay the same. Although marriage for same-sex couples is only awarded one point in the tally, marriage also grants same-sex couples legal access to stepparent adoption, joint adoption, medical decision-making authority, and spousal family leave. This means a state lacking these protections would gain a net total of five points when and if marriage becomes available.

Should the Supreme Court grant marriage nationwide all states would achieve full equality for “marriage and relationship recognition,” and most would see a significant improvement in their “adoption and parenting” tally. However, there would be no change in the other four major categories of law, including non-discrimination laws, safe

school laws and policies, health and safety policies, and the ability of transgender people to correct the gender marker on identity documents. As shown in *Figure 3*, although many states would see a positive increase in their overall tally, two states would continue to have negative tallies, 26 states would have low tallies and 10 states would have medium tallies in the wake of a Supreme Court decision affirming equal marriage rights. Figure 3 also shows that such a decision also would have no impact on state laws covering gender identity and expression. If the Supreme Court grants marriage nationwide, 90% of LGBT people will live in a state with a high or medium sexual orientation tally, but 37% will still live in a state with a negative gender identity tally.

Figure 3 provides an overview of the gaps in equality that would persist even if same-sex couples could legally marry nationwide. But how do these gaps impact the lives of LGBT people? Even with marriage equality nationwide, 52% of same-sex couples would live in states that do not protect them from being unfairly fired or kicked out of their homes because they are lesbian, gay, or bisexual. Fifty-seven percent of families would live in states where LGBT children are not protected from discrimination in school, and 86% of LGBT families would live in states where their children could face discrimination in school because of who their parents are. Eighty-one percent of LGBT people would live in states where harmful “conversion” therapy was still permitted. These, and some of the other many remaining challenges and inequalities, are shown in the infographic on page 12.

Figure 3: Number of States at Each Equality Level Before and After Nationwide Marriage Equality



IN JUNE 2015, THOUSANDS OF LGBT PEOPLE ACROSS AMERICA COULD GAIN THE FREEDOM TO MARRY ...



...BUT IN JULY...



52% OF LGBT PEOPLE WOULD BE AT RISK OF BEING:

- FIRED FROM THEIR JOBS
- KICKED OUT OF THEIR HOMES
- DENIED ACCESS TO DOCTOR'S OFFICES AND RESTAURANTS



57% PERCENT OF LGBT PEOPLE WOULD LIVE IN STATES WHERE LGBT CHILDREN ARE NOT PROTECTED FROM DISCRIMINATION IN SCHOOL AND **86%** IN STATES WHERE THEIR CHILD IS NOT PROTECTED FROM DISCRIMINATION IN SCHOOL FOR HAVING LGBT PARENTS.



29% OF LGBT PEOPLE WOULD LIVE IN STATES WITHOUT PROTECTIONS FROM HATE CRIMES FOR LESBIAN, GAY, OR BISEXUAL PEOPLE.



72% OF LGBT PEOPLE WOULD LIVE IN STATES THAT CREATE BURDENSOME OBSTACLES FOR TRANSGENDER PEOPLE SEEKING TO CHANGE A GENDER MARKER ON A BIRTH CERTIFICATE.



81% OF LGBT PEOPLE WOULD LIVE IN STATES THAT PERMIT HARMFUL "CONVERSION THERAPY" FOR LGBT YOUTH.

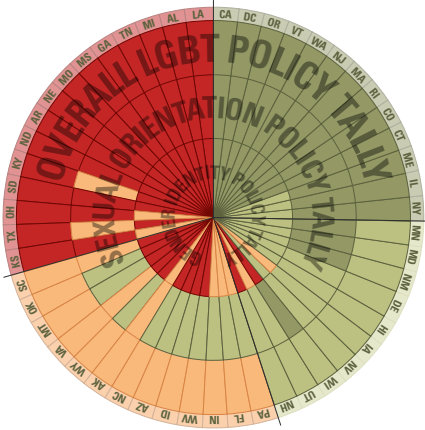


74% OF LGBT PEOPLE WOULD LIVE IN STATES THAT CRIMINALIZE EXPOSURE OR TRANSMISSION OF HIV.

STATE TALLIES IF THE SUPREME COURT GRANTS NATIONWIDE RIGHT TO MARRIAGE FOR SAME-SEX COUPLES

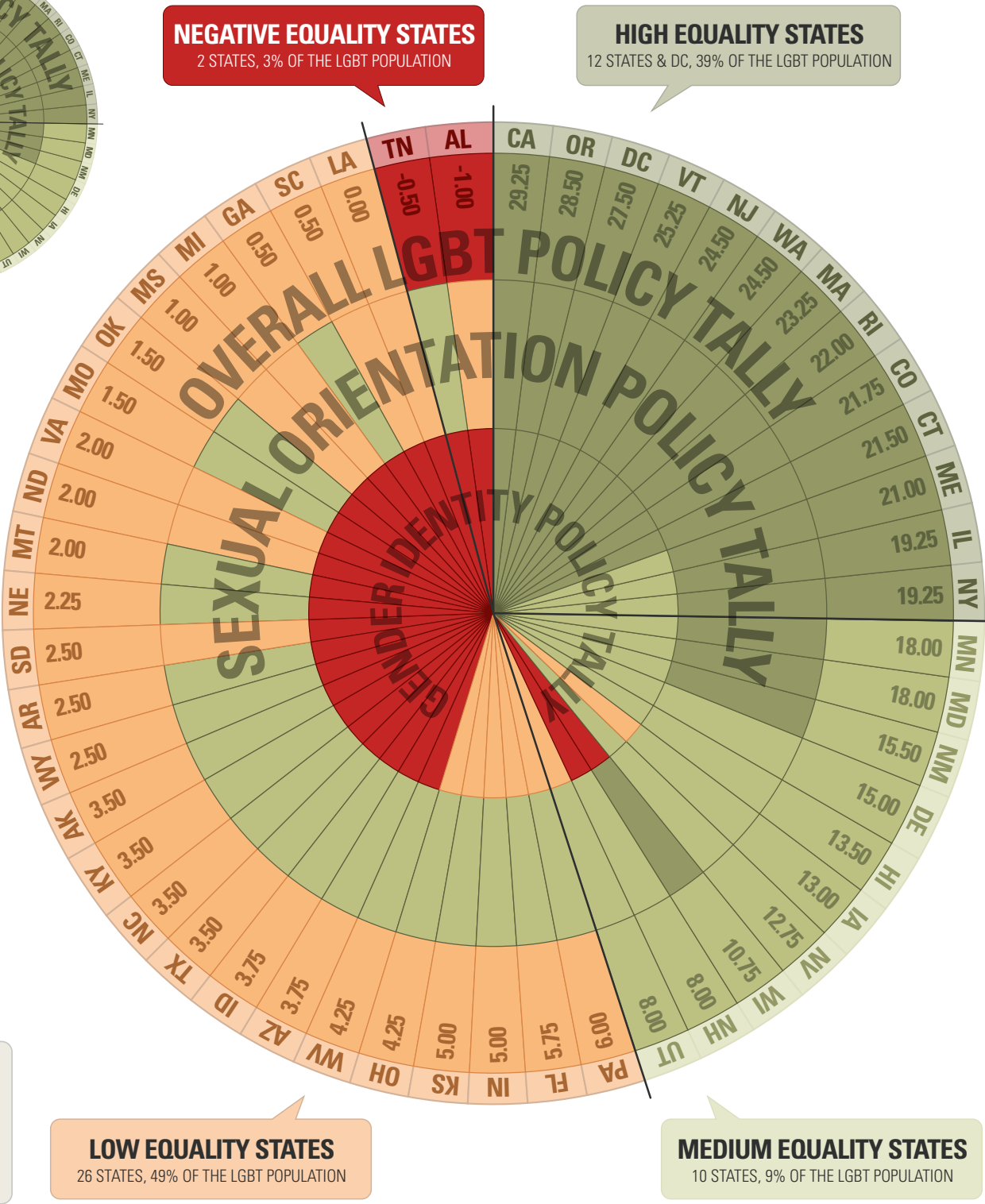
CURRENT STATE TALLIES

(SEE LARGER GRAPHICS ON PAGES 3 AND 8)



POTENTIAL STATE TALLIES

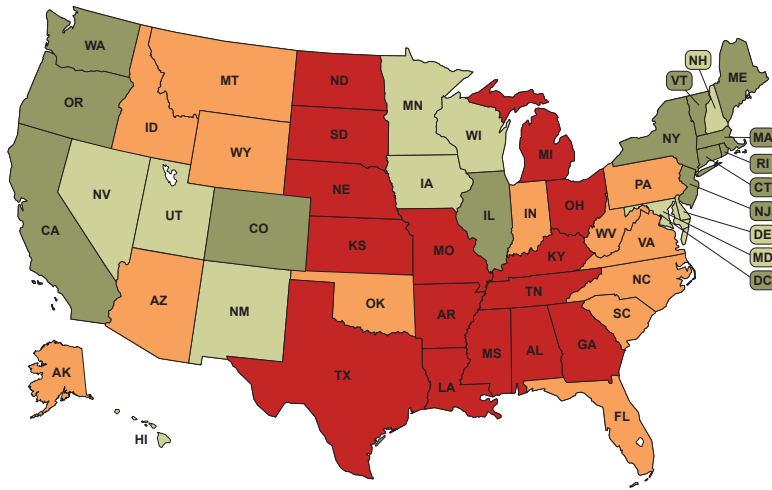
IF THE SUPREME COURT GRANTS NATIONWIDE RIGHT TO MARRIAGE FOR SAME-SEX COUPLES



*As of March 6, 2015, marriage is legal statewide, but the Alabama Supreme Court has forbidden state clerks from issuing licenses to same-sex couples.
Note: As of March 6, 2015, Kansas and Missouri have court rulings in favor of marriage equality, and marriage and adoption will be available to same-sex couples pending further action.
Source: Movement Advancement Project, "LGBT Equality Maps."

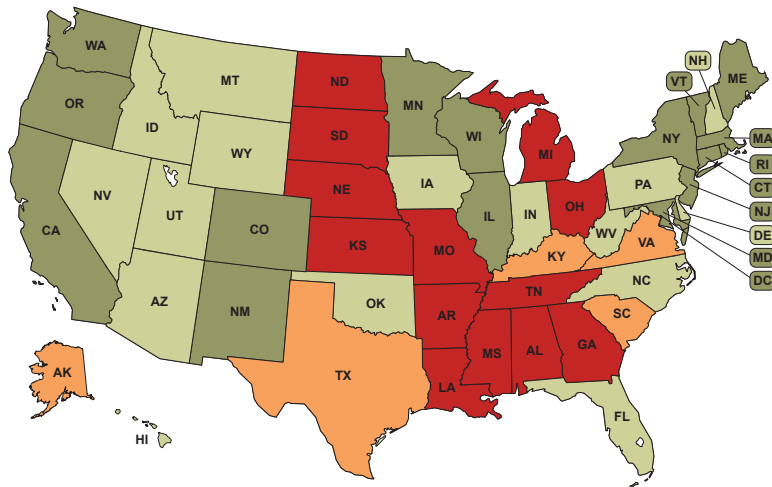
LGBT POLICY TALLIES BY STATE

OVERALL TALLY BY STATE



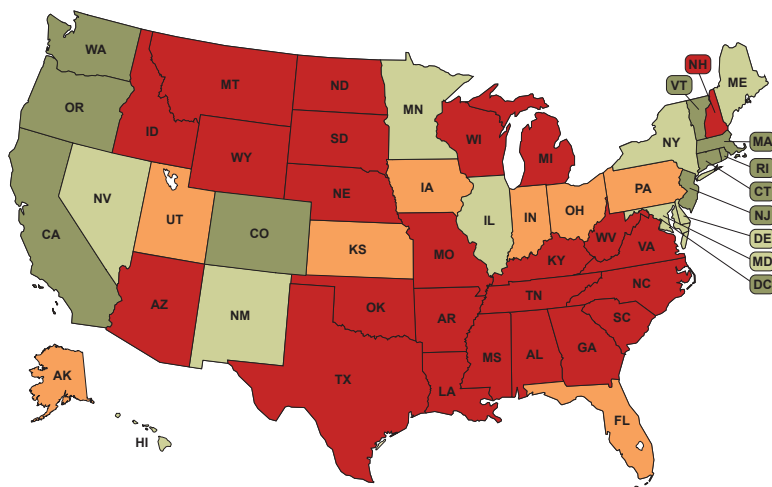
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(12 STATES + D.C., 39% OF THE LGBT POPULATION)
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(10 STATES, 9% OF THE LGBT POPULATION)
- LOW POLICY TALLY**
(13 STATES, 23% OF THE LGBT POPULATION)
- NEGATIVE POLICY TALLY**
(15 STATES, 29% OF THE LGBT POPULATION)

SEXUAL ORIENTATION TALLY BY STATE



- HIGH POLICY TALLY**
(16 STATES + D.C., 45% OF THE LGBT POPULATION)
- MEDIUM POLICY TALLY**
(16 STATES, 23% OF THE LGBT POPULATION)
- LOW POLICY TALLY**
(5 STATES, 13% OF THE LGBT POPULATION)
- NEGATIVE POLICY TALLY**
(13 STATES, 20% OF THE LGBT POPULATION)

GENDER IDENTITY TALLY BY STATE



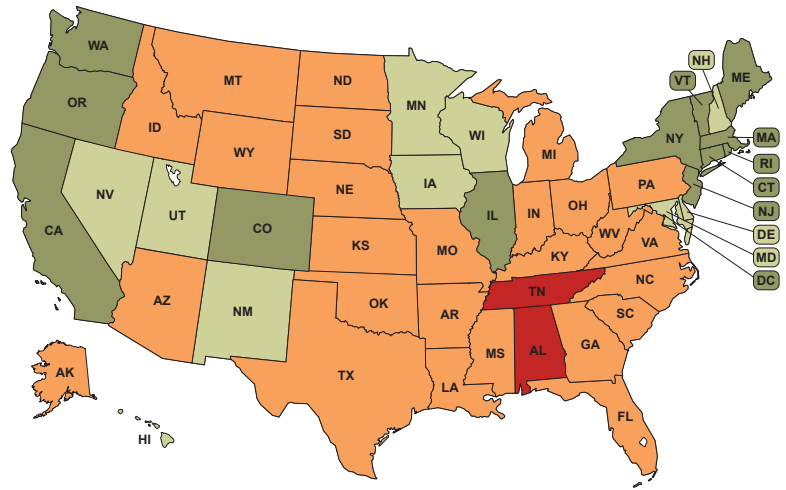
- HIGH POLICY TALLY**
(9 STATES + D.C., 28% OF THE LGBT POPULATION)
- MEDIUM POLICY TALLY**
(9 STATES, 18% OF THE LGBT POPULATION)
- LOW POLICY TALLY**
(8 STATES, 18% OF THE LGBT POPULATION)
- NEGATIVE POLICY TALLY**
(24 STATES, 37% OF THE LGBT POPULATION)

LGBT POLICY TALLIES BY STATE

IF THE SUPREME COURT GRANTS NATIONWIDE RIGHT TO MARRIAGE FOR SAME-SEX COUPLES

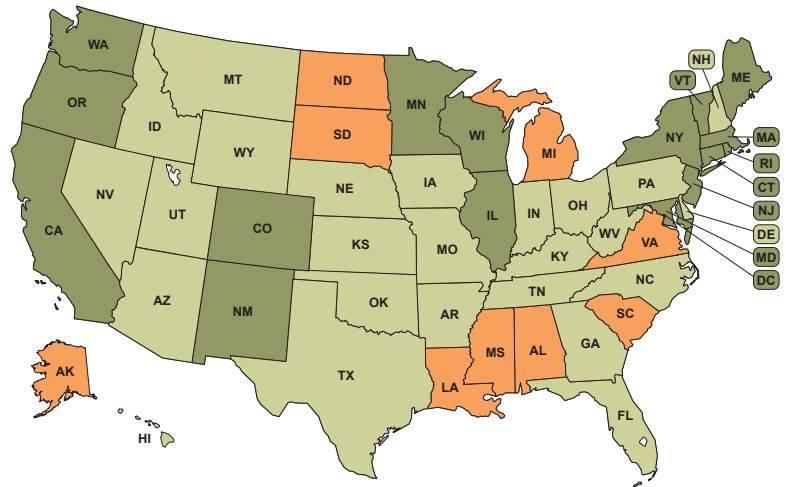
OVERALL TALLY BY STATE

- HIGH POLICY TALLY
(12 STATES + D.C., 39% OF THE LGBT POPULATION)
- MEDIUM POLICY TALLY
(10 STATES, 9% OF THE LGBT POPULATION)
- LOW POLICY TALLY
(26 STATES, 49% OF THE LGBT POPULATION)
- NEGATIVE POLICY TALLY
(2 STATES, 3% OF THE LGBT POPULATION)



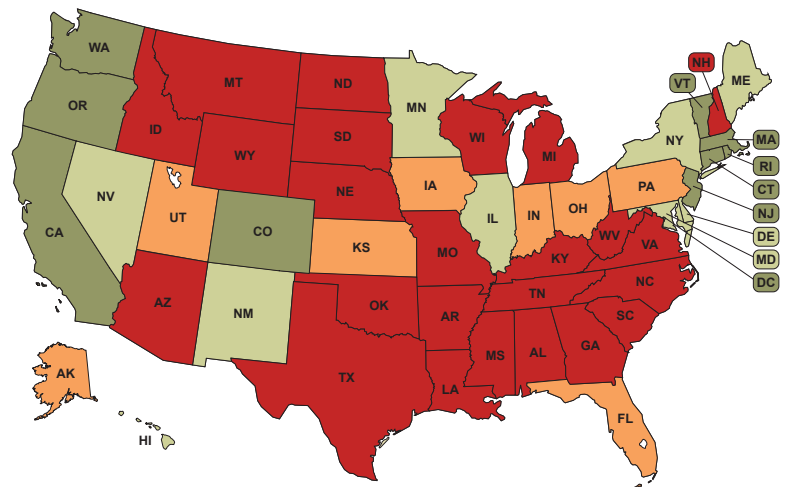
SEXUAL ORIENTATION TALLY BY STATE

- HIGH POLICY TALLY
(16 STATES + D.C., 45% OF THE LGBT POPULATION)
- MEDIUM POLICY TALLY
(25 STATES, 45% OF THE LGBT POPULATION)
- LOW POLICY TALLY
(9 STATES, 11% OF THE LGBT POPULATION)
- NEGATIVE POLICY TALLY
(0 STATES, 0% OF THE LGBT POPULATION)



GENDER IDENTITY TALLY BY STATE

- HIGH POLICY TALLY
(9 STATES + D.C., 28% OF THE LGBT POPULATION)
- MEDIUM POLICY TALLY
(9 STATES, 18% OF THE LGBT POPULATION)
- LOW POLICY TALLY
(8 STATES, 18% OF THE LGBT POPULATION)
- NEGATIVE POLICY TALLY
(24 STATES, 37% OF THE LGBT POPULATION)



CONCLUSION

Maps cannot show the lived experiences of LGBT people and families across the United States. But maps can show that we have a long way to go before we achieve true legal equality for LGBT people. Only 12 states and D.C. have high policy tallies. This would not change even if the Supreme Court were to open the freedom to marry to couples in all 50 states.

LGBT people have experienced rapid progress in many areas of the country, yet this progress also has prompted negative backlashes. These range from religious exemption legislation aimed at allowing businesses to discriminate against LGBT people to state laws that strip away local control by preventing municipalities from extending non-discrimination protections to LGBT people. Adding to the challenge, some areas of the country are highly resistant to equality for LGBT people, resulting in a tougher challenges for advocates, who often also face a double-whammy of meeting greater resistance with fewer resources.

This report provides an overview of the policies and laws tracked by the Movement Advancement Project. It is intended to make it easier to understand both the progress and the major remaining gaps in equality for LGBT people. Most of the figures in this report, as well as detailed policy maps by issue and by state are updated daily at www.lgbtmap.org/equality-maps. This report is current as of May 28th, 2015. Readers are encouraged to go to the [maps](#) for the most up-to-date information about a particular law or a particular state.

Married but Facing Legal Discrimination?

Federal law does not explicitly prohibit discrimination in employment based on sexual orientation or gender identity, and a minority of states have extended such protections to LGBT workers. In 2012, the Equal Employment Opportunity Commission (EEOC) ruled that the federal prohibition against sex discrimination includes discrimination against transgender people, though this ruling is not binding on private employers. The EEOC ruling also does not provide protections against discrimination in housing and public accommodations. Similar protections on the basis of sexual orientation are being considered but are not secure.

This means that, even if the Supreme Court clears the way for same-sex couples in all 50 states to get legally married, it will still be legal in 28 states for an employer to fire a worker who married a same-sex spouse, for an apartment complex to kick out a newlywed lesbian couple, or for a restaurant manager to refuse to serve a gay couple celebrating their wedding anniversary. For a listing of states that lack non-discrimination protections, see www.lgbtmap.org/equality-maps/non_discrimination_laws.

APPENDIX A - STATE POLICY TALLY TABLE

This Appendix contains each state's current policy tally, as well as each state's tally if the Supreme Court were to affirm marriage equality for the entire country.

State Policy Tally Table: Current and if Supreme Court Grants Marriage Nationwide									
State	Relationship Recognition Tally	Parental Recognition Tally	Non-discrimination Tally	Safe Schools Tally	Health Tally	Identification Documents Tally	Overall Tally	Sexual Orientation Sub-Tally	Gender Identity Sub-Tally
Possible Total	Max= 3	Max=9	Max=8	Max=4	Max=8	Max=2	Max=34	Max=19	Max=15
Alabama	0	0	-1	-1	-1	-2	-5.00	-1.50	-3.50
AL After Marriage	2	2	-1	-1	-1	-2	-1.00	2.50	-3.50
Alaska	2	2	0	0	-2	1.5	3.50	3.50	0.00
AK After Marriage	2	2	0	0	-2	1.5	3.50	3.50	0.00
Arizona	2	2.5	0.5	-1	0	-0.25	3.75	5.25	-1.50
AZ After Marriage	2	2.5	0.5	-1	0	-0.25	3.75	5.25	-1.50
Arkansas	-1	0.5	-2	2	-1	-1	-2.50	-1.00	-1.50
AR After Marriage	2	2.5	-2	2	-1	-1	2.50	4.00	-1.50
California	2.5	8	6	4	7	1.75	29.25	16.00	13.25
CA After Marriage	2.5	8	6	4	7	1.75	29.25	16.00	13.25
Colorado	3	3	8	4	4	-0.25	21.75	13.50	8.25
CO After Marriage	3	3	8	4	4	-0.25	21.75	13.50	8.25
Connecticut	2.5	4	7	4	4	0	21.50	13.00	8.50
CT After Marriage	2.5	4	7	4	4	0	21.50	13.00	8.50
Delaware	2	3	6	1	3	0	15.00	10.00	5.00
DE After Marriage	2	3	6	1	3	0	15.00	10.00	5.00
District of Columbia	3	4.5	6	4	8	2	27.50	15.50	12.00
DC After Marriage	3	4.5	6	4	8	2	27.50	15.50	12.00
Florida	2	2	2	0	0	-0.25	5.75	5.50	0.25
FL After Marriage	2	2	2	0	0	-0.25	5.75	5.50	0.25
Georgia	-1	0	0	0.5	-2	-2	-4.50	-1.00	-3.50
GA After Marriage	2	2	0	0.5	-2	-2	0.50	4.00	-3.50
Hawaii	2.5	2.5	6	1.5	1	0	13.50	10.00	3.50
HI After Marriage	2.5	2.5	6	1.5	1	0	13.50	10.00	3.50

State Policy Tally Table: Current and if Supreme Court Grants Marriage Nationwide (continued)

State	Relationship Recognition Tally	Parental Recognition Tally	Non-discrimination Tally	Safe Schools Tally	Health Tally	Identification Documents Tally	Overall Tally	Sexual Orientation Sub-Tally	Gender Identity Sub-Tally
Possible Total	Max= 3	Max=9	Max=8	Max=4	Max=8	Max=2	Max=34	Max=19	Max=15
Idaho	2	2.5	0.5	0	-1	-0.25	3.75	4.25	-0.50
ID After Marriage	2	2.5	0.5	0	-1	-0.25	3.75	4.25	-0.50
Illinois	2	2.5	7	4	4	-0.25	19.25	11.50	7.75
IL After Marriage	2	2.5	7	4	4	-0.25	19.25	11.50	7.75
Indiana	2	3	-0.25	0	-1	1.25	5.00	4.75	0.25
IN After Marriage	2	3	-0.25	0	-1	1.25	5.00	4.75	0.25
Iowa	2	2	8	4	-1	-2	13.00	10.50	2.50
IA After Marriage	2	2	8	4	-1	-2	13.00	10.50	2.50
Kansas	-1	0	-1	0	0	1	-1.00	-1.00	0.00
KS After Marriage	2	3	-1	0	0	1	5.00	5.00	0.00
Kentucky	-0.5	0	0.5	0	0	-2	-2.00	0.25	-2.25
KY After Marriage	2	3	0.5	0	0	-2	3.50	5.75	-2.25
Louisiana	-1	-1	-1	-1	0	-2	-6.00	-2.50	-3.50
LA After Marriage	2	2	-1	-1	0	-2	1.00	3.50	-3.50
Maine	3	4	8	4	2	0	21.00	15.00	6.00
ME After Marriage	3	4	8	4	2	0	21.00	15.00	6.00
Maryland	2	3.5	6	4	1	1.5	18.00	11.00	7.00
MD After Marriage	2	3.5	6	4	1	1.5	18.00	11.00	7.00
Massachusetts	2	6.5	7.25	4	3.5	0	23.25	14.25	9.00
MA After Marriage	2	6.5	7.25	4	3.5	0	23.25	14.25	9.00
Michigan	-1	-1	0	0	-1	-2	-5.00	-2.50	-2.50
MI After Marriage	2	2	0	0	-1	-2	1.00	3.50	-2.50
Minnesota	2	3	8	4	0	1	18.00	11.50	6.50
MN After Marriage	2	3	8	4	0	1	18.00	11.50	6.50
Mississippi	-0.5	-0.5	-1	-1	-1	0.5	-3.50	-2.50	-1.00
MS After Marriage	2	1.5	-1	-1	-1	0.5	1.00	2.00	-1.00

State Policy Tally Table: Current and if Supreme Court Grants Marriage Nationwide (continued)									
State	Relationship Recognition Tally	Parental Recognition Tally	Non-discrimination Tally	Safe Schools Tally	Health Tally	Identification Documents Tally	Overall Tally	Sexual Orientation Sub-Tally	Gender Identity Sub-Tally
Possible Total	Max= 3	Max=9	Max=8	Max=4	Max=8	Max=2	Max=34	Max=19	Max=15
Missouri	-0.5	0	0.5	-1	0	-2	-3.00	-0.25	-2.75
MO After Marriage	2	2	0.5	-1	0	-2	1.50	4.25	-2.75
Montana	2	3	0	0	-1	-2	2.00	4.50	-2.50
MT After Marriage	2	3	0	0	-1	-2	2.00	4.50	-2.50
Nebraska	-1	-0.5	0	0	-1	-0.25	-2.75	-1.00	-1.75
NE After Marriage	2	1.5	0	0	-1	-0.25	2.25	4.00	-1.75
Nevada	2	3.5	6	0	0	1.25	12.75	9.00	3.75
NV After Marriage	2	3.5	6	0	0	1.25	12.75	9.00	3.75
New Hampshire	2	2	3	2	-0.5	-0.5	8.00	8.75	-0.75
NH After Marriage	2	2	3	2	-0.5	-0.5	8.00	8.75	-0.75
New Jersey	2.5	7	8	4	3	0	24.50	16.00	8.50
NJ After Marriage	2.5	7	8	4	3	0	24.50	16.00	8.50
New Mexico	2	3.5	7	1	2	0	15.50	11.00	4.50
NM After Marriage	2	3.5	7	1	2	0	15.50	11.00	4.50
New York	2	5.5	5.5	2	2.5	1.75	19.25	12.25	7.00
NY After Marriage	2	5.5	5.5	2	2.5	1.75	19.25	12.25	7.00
North Carolina	2	2.5	0	2	-1	-2	3.50	5.00	-1.50
NC After Marriage	2	2.5	0	2	-1	-2	3.50	5.00	-1.50
North Dakota	-0.5	0	0	0	-1	-1	-2.50	-1.00	-1.50
ND After Marriage	2	2	0	0	-1	-1	2.00	3.50	-1.50
Ohio	-1	-0.5	0	0	-1	0.75	-1.75	-2.00	0.25
OH After Marriage	2	2.50	0	0	-1	0.75	4.25	4.00	0.25
Oklahoma	2	3.5	-1	-1	-1	-1	1.50	4.00	-2.50
OK After Marriage	2	3.5	-1	-1	-1	-1	1.50	4.00	-2.50
Oregon	2.5	6.5	6	4	7.5	2	28.50	15.75	12.75
OR After Marriage	2.5	6.5	6	4	7.5	2	28.50	15.75	12.75

State Policy Tally Table: Current and if Supreme Court Grants Marriage Nationwide (continued)

State	Relationship Recognition Tally	Parental Recognition Tally	Non-discrimination Tally	Safe Schools Tally	Health Tally	Identification Documents Tally	Overall Tally	Sexual Orientation Sub-Tally	Gender Identity Sub-Tally
Possible Total	Max= 3	Max=9	Max=8	Max=4	Max=8	Max=2	Max=34	Max=19	Max=15
Pennsylvania	2	3	0.5	1	-2	1.5	6.00	5.75	0.25
PA After Marriage	2	3	0.5	1	-2	1.5	6.00	5.75	0.25
Rhode Island	2.5	7.5	7	2	1	2	22.00	13.50	8.50
RI After Marriage	2.5	7.5	7	2	1	2	22.00	13.50	8.50
South Carolina	2	2.5	-1	-1	-1	-1	0.50	3.00	-2.50
SC After Marriage	2	2.5	-1	-1	-1	-1	0.50	3.00	-2.50
South Dakota	-0.5	0	0	-1	-1	0.5	-2.00	-1.50	-0.50
SD After Marriage	2	2	0	-1	-1	0.5	2.50	3.00	-0.50
Tennessee	-0.5	0.5	-2	0	-1	-2	-5.00	-0.50	-4.50
TN After Marriage	2	2.5	-2	0	-1	-2	-0.50	4.00	-4.50
Texas	-1	0.5	0.5	-1	0.5	-1	-1.50	0.00	-1.50
TX After Marriage	2	2.5	0.5	-1	0.5	-1	3.50	5.00	-1.50
Utah	2	2	4	0	-1	1	8.00	6.00	2.00
UT After Marriage	2	2	4	0	-1	1	8.00	6.00	2.00
Vermont	2.5	3	8	4	6	1.75	25.25	13.50	11.75
VT After Marriage	2.5	3	8	4	6	1.75	25.25	13.50	11.75
Virginia	2	2	-1	0	-1	0	2.00	3.00	-1.00
VA After Marriage	2	2	-1	0	-1	0	2.00	3.00	-1.00
Washington	2.5	4	8	4	4	2	24.50	14.00	10.50
WA After Marriage	2.5	4	8	4	4	2	24.50	14.00	10.50
West Virginia	2	2.5	0	0.5	-2	1.25	4.25	4.50	-0.25
WV After Marriage	2	2.5	0	0.5	-2	1.25	4.25	4.50	-0.25
Wisconsin	3	5	3	1	-1	-0.25	10.75	11.50	-0.75
WI After Marriage	3	5	3	1	-1	-0.25	10.75	11.50	-0.75
Wyoming	2	2	0	0	-1	-0.5	2.50	4.00	-1.50
WY After Marriage	2	2	0	0	-1	-0.5	2.50	4.00	-1.50

APPENDIX B - METHODOLOGY/ MORE INFORMATION

Key Definitions

LGBT: The term “LGBT” stands for lesbian, gay, bisexual, and transgender and describes the community of people who are LGBT.

Sexual Orientation: The term “sexual orientation” is loosely defined as a person’s pattern of romantic or sexual attraction to people of the opposite sex or gender, the same sex or gender, or more than one sex or gender. Laws that explicitly mention sexual orientation primarily protect or harm lesbian, gay, and bisexual people. That said, transgender people who are lesbian, gay or bisexual can be affected by laws that explicitly mention sexual orientation.

Gender Identity: “Gender identity” is a person’s deeply-felt inner sense of being male, female, or something else or in-between. “Gender expression” refers to a person’s characteristics and behaviors such as appearance, dress, mannerisms and speech patterns that can be described as masculine, feminine, or something else. Gender identity and expression are independent of sexual orientation, and transgender people may identify as heterosexual, lesbian, gay or bisexual. Laws that explicitly mention “gender identity” or “gender identity and expression” primarily protect or harm transgender people. These laws also can apply to people who are not transgender, but whose sense of gender or manner of dress does not adhere to gender stereotypes.

Methodology

A state’s “policy tally” counts the number of positive laws and policies within the state that help drive equality for LGBT people.

The major categories of laws covered by the policy tally include:

1. Marriage and Relationship Recognition
2. Adoption and Parenting Laws
3. Non-Discrimination Laws
4. Safe Schools Laws and Policies
5. Health and Safety Policies
6. Ability for Transgender People to Correct the Gender Marker on Identity Documents

Across these six categories, each positive law counts as a single point (though fractions of a point are assigned to states with positive local laws that do not cover the entire state population or to states that have enacted a portion of a law). A state’s policy tally is reduced by a point if the state has a negative law that harms or deliberately targets LGBT people. A state’s possible tally ranges from -10 to 34. *Table 1* shows the cut-offs for a state having a “negative,” “low,” “medium” or “high” tally.

Table 1: Cutoffs for Each Tally Rating

	Sexual Orientation Tally	Gender Identity Tally	Overall Tally
High	11 to 19	8 to 15	19 to 34
Medium	4 to 10.99	3 to 7.99	7 to 18.99
Low	0 to 3.99	0 to 2.99	0 to 6.99
Negative	-5 to -0.01	-5 to -0.01	-10 to -0.01

Note that the tallies look only at existing laws—they do not look at the social climate, nor do they take into account implementation of each state’s laws. The tally also does not reflect the efforts of advocates and/or opportunities for future change. States with low tallies might shift rapidly with an influx of resources, whereas those states with high tallies might continue to expand equality for LGBT people in ways that can provide models for other states.

Description of Laws/Policies



Marriage and Relationship Recognition

These laws pertain to marriage for same-sex couples and the legal recognition of the relationships of same-sex couples.

Marriage for Same-Sex Couples	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
States with the freedom to marry give same-sex couples the same marriage rights as opposite-sex couples. Some states also offer “marriage equivalent” statuses, such as domestic partnerships or civil unions, to both same- and opposite-sex couples.	No legal recognition of same-sex couples.	0	Although transgender people may often be (or be considered to be) in a same-sex relationship and benefit from relationship recognition for same-sex couples, marriage laws do not explicitly enumerate or refer to “gender identity.” Therefore, enumerating “gender identity” is outside of the scope of these laws.	—
	State recognizes legal out-of-state marriages of same-sex couples but does not allow same-sex couples to marry within the state.	0.5		—
	Statewide access to marriage for same-sex couples.	1		—
Medical Decision-Making Authority for Same-Sex Couples	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
Medical decision-making policies govern whether an LGBT person can make medical decisions for their same-sex partner or spouse, if their partner or spouse is incapacitated or otherwise not able to make their own decisions. In states where same-sex couples are barred from marriage, they are usually also denied medical decision-making authority.	Same-sex couples are treated as legal strangers for the purposes of medical decision-making authority.	0	Although transgender people may often be (or be considered to be) in a same-sex relationship and benefit from medical decision-making authority for same-sex couples, these laws have the effect of recognizing or not recognizing a same-sex partner or spouse because both parties are the same sex, not because one of the parties is transgender. Therefore, enumerating “gender identity” is outside of the scope of these laws.	—
	State law offers limited recognition of same-sex partners through broad language granting some medical decision-making authority to “non-family” members (for example, including “other persons” on a list of people a patient is permitted to designate as a medical decision maker).	0.5		—
	State law explicitly gives same-sex couples equal or substantially equivalent standing to other family members such as spouses who are automatically granted medical decision-making authority.	1		—

State Family Leave Laws Covering Same-Sex Couples	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
State family leave laws covering same-sex couples govern whether an LGBT person can take leave from work to care for his/her same-sex spouse or partner. In states where same-sex couples are barred from marriage, they are usually also denied spousal or partner leave.	State lacks a family leave law entirely or the existing leave law cannot be used by same-sex couples.	0	Although transgender people may often be (or be considered to be) in a same-sex relationship and benefit from family leave for same-sex couples, these laws have the effect of recognizing or not recognizing a same-sex partner or spouse because both parties are the same sex, not because one of the parties is transgender. Therefore, enumerating “gender identity” is outside of the scope of these laws.	—
	State law grants workers leave to care for a same-sex partner, but only if couple is in a legally recognized relationship.	0.5		—
	State law grants workers leave to care for a same-sex partner, even if couple is not in a legally recognized relationship.	1		—
Negative Law: Ban on Marriage and/or Relationship Recognition for Same-Sex Couples	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
Negative marriage and/or relationship recognition laws restrict same-sex couples from entering into marriages, domestic partnerships, and/or civil unions—and may also prevent any legal recognition of out of state same-sex relationships or marriages.	No legal ban on marriage or relationship recognition for same-sex couples.	0	Although transgender people may often be (or be considered to be) in a same-sex relationship and benefit from relationship recognition for same-sex couples, marriage laws do not explicitly enumerate or refer to “gender identity.”	—
	Constitutional amendment or statute bans marriage and/or other forms of relationship recognition similar to marriage for same-sex couples.	-1		—
Marriage & Relationship Recognition Subtotals (Tallies for Sexual Orientation and Gender Identity)	3		—	
Marriage and Relationship Recognition Total	3			



Adoption and Parenting Laws

These laws pertain to adoption, foster parenting, and other parental recognition rights for LGBT parents.

Second-Parent And Stepparent Adoption for Same-Sex Couples			Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
Second-parent adoption laws permit a parent in a same-sex relationship to adopt his/her partner's child and become a legal parent of that child, giving the child two legal parents and giving both parents legal rights. Stepparent adoption laws require the parents be married, while second-parent adoption laws do not.	Availability is uncertain or unavailable.	0	Although transgender people may often be (or be considered to be) in a same-sex relationship and benefit from second-parent adoption laws, these laws simply permit adoption of a child by a second parent who is the same-gender as the first parent. Parents are not legally banned from such adoptions because they are transgender, therefore, enumerating "gender identity" is outside of the scope of these laws.	—
	Parents in legally recognized same-sex relationships can petition for stepparent adoption statewide.	0.5		—
	Parents in same-sex relationships can petition for second-parent or stepparent adoption statewide irrespective of parents' marital status or legal recognition of their relationship.	1		—
Joint Adoption: Statewide Access for Same-Sex Parents			Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
Joint adoption laws permit same-sex couples to adopt a child together, so both prospective parents become that child's legal parents.	Availability is uncertain.	0	Although transgender people may often be (or be considered to be) in a same-sex relationship and benefit from joint adoption laws, these laws simply permit same-sex couples to jointly adopt a child. Parents are not legally banned from joint adoptions because they are transgender, therefore, enumerating "gender identity" is outside of the scope of these laws.	—
	Same-sex couples can petition for joint adoption statewide.	1		—
Adoption Non-Discrimination Protections for LGBT Parents			Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
Adoption non-discrimination laws protect LGBT parents from discrimination by adoption agencies and officials.	Adoption non-discrimination protections not available.	0	Adoption non-discrimination protections not available.	0
	State law prohibits discrimination in adoption based on sexual orientation of parent(s).	1	State law prohibits discrimination in adoption based on gender identity of parent(s).	1

Foster Care Non-Discrimination Protections for LGBT Parents	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
Foster care laws support or restrict LGBT people who wish to become foster parents. Foster care non-discrimination laws protect LGBT foster parents from discrimination by foster care agencies and officials.	Foster care non-discrimination protections not available.	0	Foster care non-discrimination protections not available.	0
	State law prohibits discrimination in foster care based on sexual orientation of parent(s).	1	State law prohibits discrimination in foster care based on gender identity of parent(s).	1
Recognition for Parents Using Donor Insemination	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
These laws apply when women in a same-sex relationship have a child through donor insemination, granting legal parenting rights to the non-biological mother as well as the birth mother (just as the husband of a woman using donor insemination would be a legal parent of the child though he is not the biological father). Most states require the couple be married before both parents are recognized, though some states give rights to unmarried couples as long as the couple both intend to parent the child.	State lacks clear mechanisms to create legal ties to both mothers for children born to same-sex couples via donor insemination.	0	Parents using donor insemination are not denied legal recognition because they are transgender, but because they are part of a same-sex couple. Therefore, enumerating “gender identity” is outside of the scope of these laws.	—
	State law creates legal ties to both parents for children born to same-sex parents in a legally recognized relationship (marriage or comprehensive relationship recognition).	0.5		—
	State law creates legal ties to both parents for children born to same-sex parents irrespective of parents’ marital status or legal recognition of their relationship.	1		—
Legal Recognition of <i>De Facto</i> Parents	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
<i>De facto</i> parenting laws apply when someone is raising a child but is not a legal parent of that child. Barriers to parental recognition for same-sex couples raising children often mean that one parent is a <i>de facto</i> parent (an adult raising a child and acting as a parent) but not a legal parent. <i>De Facto</i> parenting laws provide these parents with some limited legal rights to the child, for example, possibly granting visitation, custody or even full parenting rights should the parent’s relationship dissolve.	State recognition of <i>de facto</i> parents is uncertain or state does not recognize <i>de facto</i> parents.	0	LGBT parents’ struggles to gain legal ties to the children they are raising stems from lack of recognition of parents who are part of a same-sex couple, rather than legal denial of parenting rights because a parent is transgender.	—
	State allows limited recognition of <i>de facto</i> parents as a basis for visitation and/or custody.	0.5		—
	State recognizes <i>de facto</i> parents and may grant them visitation, custody or full parenting rights.	1		—

State Family Leave Laws Allowing Workers to Care for Children They Are Raising	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
State family leave laws govern whether a person can take leave from work to care for a child. Barriers to parental recognition for same-sex couples raising children often mean that one parent lacks legal ties to the child or children they are raising. Parents who are not legal parents may be denied this leave unless the state recognizes parents in loco parentis.	State lacks a family leave law entirely or the existing leave law cannot be used by same-sex parents.	0	LGBT parents' struggles to gain legal ties to the children they are raising, and thus be recognized under state family leave laws, stem from lack of recognition of parents who are part of a same-sex couple, rather than legal denial of parenting rights because a parent is transgender.	—
	State law grants workers leave to care for a child for whom the worker is parenting, but only if the worker has a legal or biological relationship to the child.	0.5		—
	State law grants workers leave to care for a child for whom the worker is parenting, even if the worker lacks a legal or biological relationship to the child.	1		—
Negative Law: Restrictions on Adoption and/or Foster Care by Same-Sex Parents	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
Some states explicitly restrict adoption and/or foster care by same-sex parents. Other states ban adoption by unmarried couples, effectively resulting in a ban on joint adoption and/or foster care by same-sex couples if marriage for same-sex couples is not available in that state. In states where same-sex couples cannot adopt jointly, one prospective parent can file for an individual adoption, but this leaves the adopted child with only one legal parent and leaves the second parent no legal parental rights.	Same-sex couples do not face legal restrictions when petitioning for adoption and/or to be foster parents.	0	These laws ban adoption and/or foster care by same-sex couples rather than transgender parents (or even individual parents who are lesbian, gay or bisexual).	—
	Same-sex couples face legal restrictions when petitioning for adoption and/or to be foster parents.	-1		—
Adoption and Parenting Subtotals (Tallies for Sexual Orientation and Gender Identity)	7		2	
Adoption and Parenting Total	9			



Non-Discrimination Laws

These laws protect LGBT people from discrimination.

Employment Non-Discrimination Laws	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
Employment non-discrimination laws protect LGBT people from being unfairly fired, not hired, or discriminated against in the workplace by private employers. If state lacks a statewide law, this tally looks at local non-discrimination ordinances and provides partial points based on the percent of the state’s LGBT population covered by local laws that protect LGBT people from discrimination by private employers. No points are awarded for state policies or local laws that only protect government/public employees.	No state law prohibiting employment discrimination based on sexual orientation and 0-25% of state population is protected from employment discrimination based on sexual orientation through local ordinances.	0	No state law prohibiting employment discrimination based on gender identity and 0-25% of state population is protected from employment discrimination based on gender identity through local ordinances.	0
	25-49% of state population is protected from employment discrimination based on sexual orientation through local ordinances.	0.25	25-49% of state population is protected from employment discrimination based on gender identity through local ordinances.	0.25
	50-99% of state population is protected from employment discrimination based on sexual orientation through local ordinances.	0.5	50-99% of state population is protected from employment discrimination based on gender identity through local ordinances.	0.5
	State non-discrimination law protects workers from employment discrimination based on sexual orientation.	1	State non-discrimination law protects workers from employment discrimination based on gender identity.	1
Housing Non-Discrimination Laws	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
Housing non-discrimination laws protect LGBT people from being unfairly evicted, denied housing, or refused the ability to rent or buy housing. If state lacks a statewide law, this tally looks at local non-discrimination ordinances and provides partial points based on the percent of the state’s LGBT population covered by local laws that protect LGBT people from housing discrimination.	No state law prohibiting housing discrimination based on sexual orientation and 0-25% of state population is protected from housing discrimination based on sexual orientation through local ordinances.	0	No state law prohibiting housing discrimination based on gender identity and 0-25% of state population is protected from housing discrimination based on gender identity through local ordinances.	0
	25-49% of state population is protected from housing discrimination based on sexual orientation through local ordinances.	0.25	25-49% of state population is protected from housing discrimination based on gender identity through local ordinances.	0.25
	50-99% of state population is protected from housing discrimination based on sexual orientation through local ordinances.	0.5	50-99% of state population is protected from housing discrimination based on gender identity through local ordinances.	0.5
	State law prohibits housing discrimination based on sexual orientation.	1	State law prohibits housing discrimination based on of gender identity.	1

Public Accommodations Non-Discrimination Laws		Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value	
Public accommodation non-discrimination laws protect LGBT people from being unfairly refused service or entry to, or from facing discrimination in, places accessible to the public. Public accommodations laws generally cover anywhere someone is when they are not at home, work, or school, including retail stores, restaurants, parks, hotels, doctors' offices, and banks. If state lacks a statewide law, this tally looks at local non-discrimination ordinances and provides partial points based on the percent of the state's LGBT population covered by local laws that protect LGBT people from public accommodation discrimination.	No state law prohibiting public accommodation discrimination based on sexual orientation and 0-25% of state population is protected from public accommodation discrimination based on sexual orientation through local ordinances.	0	No state law prohibiting public accommodation discrimination based on gender identity and 0-25% of state population is protected from public accommodation discrimination based on gender identity through local ordinances.	0	
	25-49% of state population is protected from public accommodation discrimination based on sexual orientation through local ordinances.	0.25	25-49% of state population is protected from public accommodation discrimination based on gender identity through local ordinances.	0.25	
	50-99% of state population is protected from public accommodation discrimination based on sexual orientation through local ordinances.	0.5	50-99% of state population is protected from public accommodation discrimination based on gender identity through local ordinances.	0.5	
	State law prohibits public accommodation discrimination based on sexual orientation.	1	State law prohibits public accommodation discrimination based on gender identity.	1	
Credit and Lending Non-Discrimination Laws		Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value	
Credit and lending non-discrimination laws protect LGBT people from being unfairly denied credit and lending services.	No state law prohibiting credit and lending discrimination based on sexual orientation.	0	No state law prohibiting credit and lending discrimination based on gender identity.	0	
	State law prohibits credit and lending discrimination based on sexual orientation.	1	State law prohibits credit and lending discrimination based on gender identity.	1	
Negative Law: State Religious Exemptions Laws (RFRAs)		Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value	
State "religious exemption" laws permit people, churches, non-profit organizations, and sometimes corporations to seek exemptions from state laws that burden their religious beliefs. These laws have recently been used as a defense when businesses discriminate against or refuse service to LGBT customers and same-sex couples.	State has no "religious exemption" law.	0	State has no "religious exemption" law.	0	
	State has statutory or constitutional "religious exemption" law.	-0.5	State has statutory or constitutional "religious exemption" law.	-0.5	

Negative Law: State Bans Cities and Counties from Passing Non-Discrimination Laws	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
So-called “Commerce Protection Acts” prohibit cities and counties from extending local non-discrimination protections to classes not included in state law. They also render existing local non-discrimination ordinances unenforceable if they extend protection to these classes. These laws have been used to prevent cities and counties from protecting LGBT people from discrimination, and to nullify local ordinances which extend these protections.	State does not ban cities and counties from passing non-discrimination protections based on sexual orientation.	0	State does not ban cities and counties from passing non-discrimination protections based on gender identity.	0
	State law bans cities and counties from passing non-discrimination protections based on sexual orientation.	-0.5	State law bans cities and counties from passing non-discrimination protections based on gender identity.	-0.5
Non-Discrimination Subtotals (Tallies for Sexual Orientation and Gender Identity)	4		4	
Non-Discrimination Total	8			



Safe Schools Laws and Policies

These laws and school regulations protect LGBT students from discrimination and bullying in schools.

Non-Discrimination Laws and Policies Covering LGBT Students		Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value	
School non-discrimination laws and statewide regulations protect LGBT students from discrimination in school, including being unfairly denied access to facilities, sports teams, or clubs.	No state law or regulation protecting students from discrimination based on sexual orientation.	0	No state law or regulation protecting students from discrimination based on of gender identity.	0	
	Statewide regulation or code prohibits discrimination in schools based on sexual orientation.	0.5	Statewide regulation or code prohibits discrimination in schools based on gender identity.	0.5	
	State law prohibits discrimination in schools based on sexual orientation.	1	State law prohibits discrimination in schools based on gender identity.	1	
Anti-Bullying Laws and Policies Covering LGBT Students		Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value	
Anti-bullying laws and statewide regulations protect LGBT students from bullying by other students, teachers, and school staff.	No state law or regulation protecting students from bullying based on sexual orientation.	0	No state law or regulation protecting students from bullying based on gender identity.	0	
	Statewide regulation or code prohibits bullying in schools based on sexual orientation.	0.5	Statewide regulation or code prohibits bullying in schools based on gender identity.	0.5	
	State law prohibits bullying in schools based on sexual orientation.	1	State law prohibits bullying in schools based on gender identity.	1	
Negative Law: "Don't Say Gay" Law Barring or Explicitly Restricting Educators From Discussing LGBT People or Issues in Schools		Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value	
"Don't Say Gay" laws restrict teachers and staff from talking about LGBT issues and people. Most of these laws are written to bar any discussion of same-sex relationships within sex education programming, but the laws are often vague and can be misapplied by schools to limit discussion and inclusion of LGBT people and issues in other parts of the curriculum, school events and programs, and even extracurricular activities (for example, by being seen as prohibiting Gay-Straight Alliances).	State does not prohibit or explicitly restrict teachers and staff from talking about LGBT issues and people.	0	State does not ban cities and counties from passing non-discrimination protections based on gender identity.	0	
	State has "Don't Say Gay" regulation prohibiting or explicitly restricting teachers and staff from talking about LGBT issues and people.	-0.5	State has "Don't Say Gay" regulation prohibiting or explicitly restricting teachers and staff from talking about LGBT issues and people.	-0.5	

Negative Law: Bans Local Schools and Districts from Passing LGBT Non-Discrimination and/or Anti-Bullying Policies	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
Anti-LGBT school laws prohibit enumeration of sexual orientation or gender identity in school anti-bullying and anti-discrimination policies.	State does not ban schools and districts from passing non-discrimination protections and anti-bullying protections based on sexual orientation.	0	State does not ban schools and districts from passing non-discrimination protections and anti-bullying protections based on gender identity.	0
	State law prohibits enumerated anti-bullying and anti-discrimination policies based on sexual orientation.	-0.5	State law prohibits enumerated anti-bullying and anti-discrimination policies based on gender identity.	-0.5
Safe Schools Subtotals (Tallies for Sexual Orientation and Gender Identity)	2		2	
Safe Schools Total	4			



Health & Safety Policies

These laws pertain to the health and safety of LGBT people.

Conversion Therapy Ban Covering LGBT Youth		Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value	
Conversion therapy laws prohibit licensed mental health practitioners from subjecting LGBT minors to harmful “conversion therapy” practices that attempt to change their sexual orientation or gender identity.	No state law banning conversion therapy for minors.	0	No state law banning conversion therapy for minors.	0	
	State law bans conversion therapy for LGBT minors.	1	State law bans conversion therapy for LGBT minors.	1	
Hate Crime Law Covering LGBT People		Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value	
Hate crimes laws require law enforcement agencies to investigate and prosecute crimes committed with bias against LGBT people. Some state laws require collection of data on anti-LGBT hate crimes.	No state hate crime law or existing hate-crime law does not enumerate sexual orientation.	0	No state hate crime law or existing hate-crime law does not enumerate gender identity.	0	
	State hate crime law enumerates sexual orientation.	1	State hate crime law enumerates gender identity.	1	
Private Health Insurance Non-Discrimination Laws		Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value	
Insurance non-discrimination laws protect LGBT people from being unfairly denied health insurance coverage or from being unfairly excluded from coverage for certain health care procedures.	No state law prohibiting private health insurance discrimination based on sexual orientation.	0	No state law prohibiting private health insurance discrimination based on gender identity.	0	
	State law prohibits private health insurance discrimination based on sexual orientation.	1	State law prohibits private health insurance discrimination based on gender identity.	1	
Health Insurance Providers Banned from Excluding Coverage from Transgender-Specific Care		Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value	
Prohibitions on transgender exclusions in health insurance benefits bar health insurance issuers from denying or limiting coverage based on gender identity and require the removal of “transgender exclusions” from health plans.	These laws are specific to “transgender exclusions” as insurance companies have not specifically banned care based on sexual orientation. Enumeration based on sexual orientation is outside the scope of these laws.	—	State policy is silent on transgender health insurance service coverage.	0	
		—	State policy prohibits transgender-specific exclusions in health insurance service coverage.	1	

State Medicaid Policy Related to Coverage for Transgender People	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
State Medicaid policies reflect varying interpretations of federal regulations that prohibit discrimination based on gender identity. Some state Medicaid policies explicitly include health care related to gender transition for transgender people, whereas other state policies explicitly exclude transgender health coverage and care.	These policies are specific to providing Medicaid coverage for transition-related care based on a person's gender identity. Enumeration based on sexual orientation is outside the scope of these policies.	—	State Medicaid policy explicitly excludes transgender health coverage and care.	-1
		—	State Medicaid policy has no explicit policy regarding transgender health coverage and care.	0
		—	State Medicaid policy explicitly includes health care related to gender transition for transgender people.	1
Negative Law: State Criminalizes Exposure to and/or Transmission of HIV	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
HIV criminalization laws criminalize the transmission of, or perceived exposure to, HIV and other infectious diseases. The laws create a strong disincentive for being tested for HIV, and result in adverse public health outcomes. Some laws also criminalize behaviors, such as spitting, that have no risk of HIV transmission. Some states explicitly include HIV in criminal statutes and/or public health statutes. Other states prosecute HIV-related offenses under general criminal code.	No known prosecutions or HIV-specific statute.	0	No known prosecutions or HIV-specific statute.	0
	No HIV-specific state law, but exposure and/or transmission of HIV have been prosecuted under general criminal codes.	-0.25	No HIV-specific state law, but exposure and/or transmission of HIV have been prosecuted under general criminal codes.	-0.25
	State has criminal law related to perceived exposure and/or transmission of HIV.	-0.5	State has criminal law related to perceived exposure and/or transmission of HIV.	-0.5
Health & Safety Subtotals (Tallies for Sexual Orientation and Gender Identity)	3		5	
Health & Safety Total	8			



Ability for Transgender People to Correct the Gender Marker on Identity Documents

These laws and policies allow transgender people to correct the gender markers on their identity documents so that the gender marker matches the gender the transgender person lives every day, rather than the gender assigned to them at birth.

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Driver’s Licenses	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
Driver’s license policies govern the process by which a state changes a gender marker on a person’s driver’s license. Many transgender people choose to revise the gender marker on their identity documents so that it matches the gender they live every day.	—	—	State requires proof of sex reassignment surgery, court order, and/or amended birth certificate in order to change gender marker.	-1
	—	—	State has unclear, unknown or unwritten policy regarding gender marker changes.	0
	—	—	State requires burdensome proof of clinical treatment in order to change gender marker. Does not require sex reassignment surgery.	0.5
	—	—	State requires documentation from a limited range of licensed professionals in order to change gender marker. Does not require sex reassignment surgery.	0.75
	—	—	State accepts documentation from a broad range of licensed professionals in order to change gender marker. Does not require sex reassignment surgery.	1
Birth Certificates	Sexual Orientation		Gender Identity	
Definition	Level of State Law	Corresponding Point Value	Level of State Law	Corresponding Point Value
Birth certificate laws govern the process by which a state changes a gender marker on a person’s birth certificate. Many transgender people choose to revise the gender marker on their identity documents so that it matches the gender they live every day.	—	—	State does not allow the gender marker on a birth certificate to be amended.	-1
	—	—	State requires proof of sex reassignment surgery in order to change gender marker.	-1
	—	—	State has unclear, unknown or unwritten policy regarding gender marker changes.	0
	—	—	State is unclear regarding clinical requirements and/or may require a court order to change gender marker.	0.5
	—	—	State accepts documentation from a broad range of licensed professionals and does not require sex reassignment surgery nor court order in order to change gender marker.	1
Identity Documents Subtotals (Tallies for Sexual Orientation and Gender Identity)	—		2	
Identity Documents Total	2			



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