



HUMAN
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PREVIEW 2018

PRO-EQUALITY AND ANTI-LGBTQ STATE AND LOCAL LEGISLATION

Emboldened by the politics of hate and fear spewed by the Trump-Pence administration, state legislators across the nation have threatened continued attacks on the rights of LGBTQ people. As we begin the 2018 legislative season across the country, there is a great deal at stake for LGBTQ Americans and their families with state and local lawmakers considering measures that would impact their daily lives — for better and for worse.

Despite broad-based support for LGBTQ equality and the historic national win on marriage equality, some state lawmakers have continued to advance an anti-LGBTQ agenda. As lawmakers in most states enter the second year of their two-year 2017/2018 sessions and with another high-profile case on LGBTQ equality before the U.S. Supreme Court, we are bracing for continued legislative attacks on the LGBTQ community.

In 2017, legislators in 30 states filed 129 bills designed to restrict the rights of LGBTQ individuals and their families. A significant number of those posed real threat of becoming law. After public outcry from the business community, grassroots mobilization by HRC members in tandem with our in-state and national partners, and countless local community members making their voices heard, only 12 bills were enacted — a passage rate of less than 10 percent.

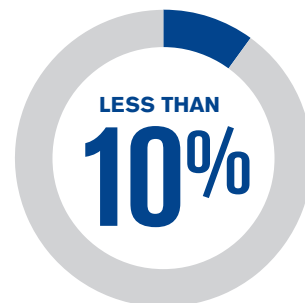
2017 ANTI-LGBTQ LEGISLATION:

125+

BILLS INTRODUCED

12

ENACTED



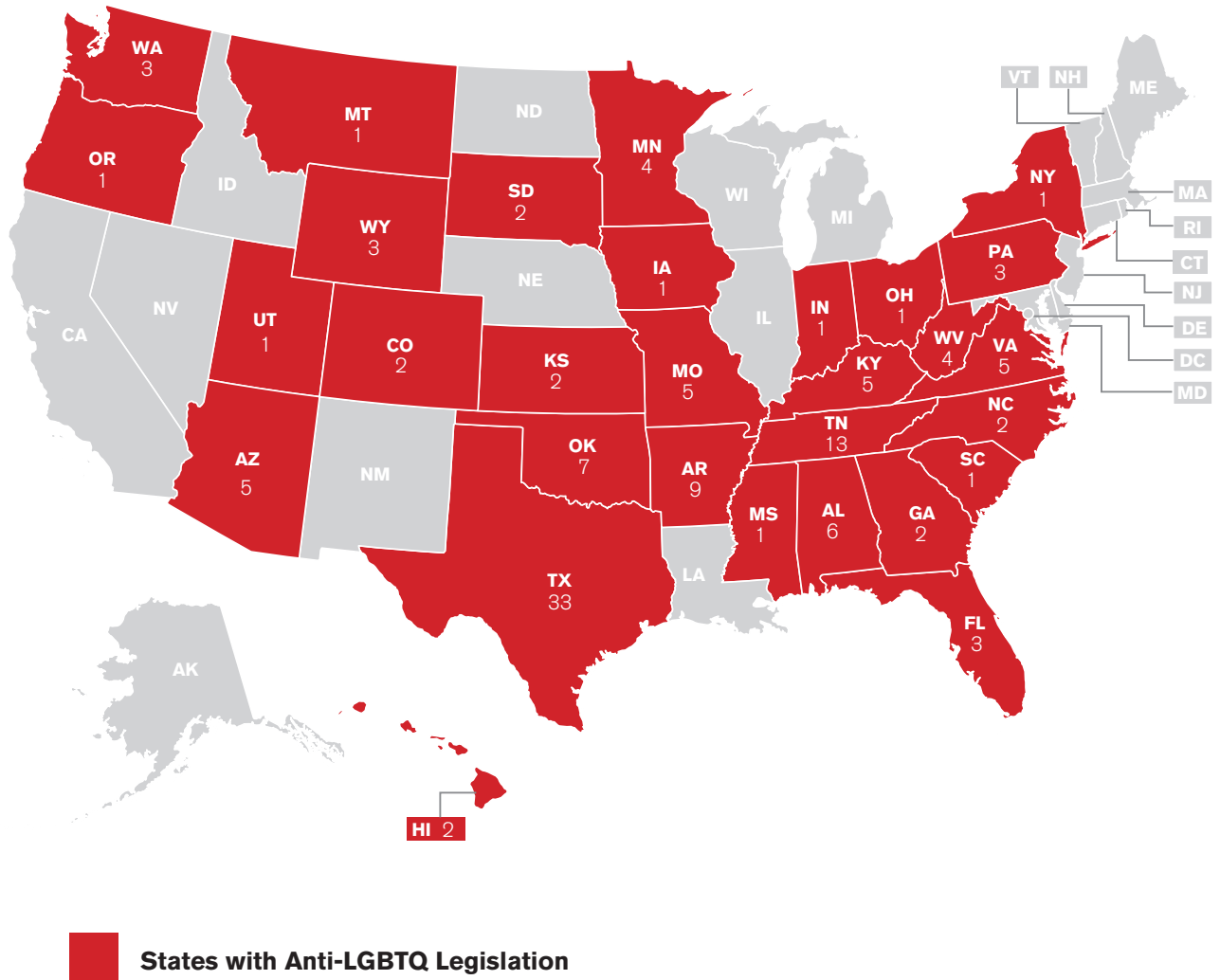


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2017 WRAP-UP

The economic and political fallout from passage of North Carolina's discriminatory HB2 in 2016 undoubtedly influenced the quantity and type of anti-LGBTQ legislation considered in 2017, but it didn't stop some lawmakers from peddling hateful bills. In general, anti-LGBTQ lawmakers were more likely to introduce narrower, single-issue bills in 2017 as opposed to sweeping multi-part anti-LGBTQ bills like HB2. We continued to see a focus on anti-transgender bills, but we also saw an increase in discriminatory legislation targeting youth, schools, and child welfare, including bills to allow anti-LGBTQ discrimination by adoption and foster care agencies. While narrower in scope, these more-targeted bills still have devastating consequences for LGBTQ people.

Number of Anti-LGBTQ Bills Introduced in 2017 Legislative Sessions





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While we continued to see anti-LGBTQ bills introduced and enacted in 2017, there were also many bright spots. Lawmakers introduced more than 150 pro-equality bills, with 25 becoming law, including new prohibitions on so-called “conversion therapy” practices in Connecticut, Nevada, New Mexico, and Rhode Island. Now, eleven states ban this dangerous practice — which is condemned by every major medical and mental health organization, including the American Psychiatric Association, American Psychological Association, and American Medical Association — because research has clearly shown that rather than change a person’s sexual orientation or gender identity, these practices instead pose devastating health risks for LGBTQ young people such as depression, decreased self-esteem, substance abuse, homelessness, and even suicidal behavior.

For more details on bills introduced in 2017 state legislatures, check out HRC’s [State Equality Index](#).

150+
PRO-EQUALITY BILLS FILED

25
**PRO-EQUALITY BILLS
PASSED NATIONWIDE**

2018 PREVIEW

Thanks to the work of advocates in states from coast to coast, of the more than 125 anti-LGBTQ bills introduced during the 2017 state legislative session, only twelve became law. However, defeating discriminatory legislation required tremendous efforts from the LGBTQ community and pro-equality allies. We anticipate that 2018 will be similar, with significant challenges across an array of states. There are several reasons to be concerned, including that 2018 is both an election year and the second year of a two-year legislative session in most states, because the 2016 elections flipped several state legislatures from split control to Republican control, because matters of LGBTQ equality continue to be present in public conversation — including in the courts — and because we know that state legislators continue to support these discriminatory measures even though their constituents do not.



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State and Legislative Partisan Composition

| | Legislative Control | Governor's Party | State Control |
|---------------|---------------------|------------------|---------------|
| Alabama | ● | ● | ● |
| Alaska | ● | ● | ● |
| Arizona | ● | ● | ● |
| Arkansas | ● | ● | ● |
| California | ● | ● | ● |
| Colorado | ● | ● | ● |
| Connecticut | ● | ● | ● |
| Delaware | ● | ● | ● |
| Florida | ● | ● | ● |
| Georgia | ● | ● | ● |
| Hawaii | ● | ● | ● |
| Idaho | ● | ● | ● |
| Illinois | ● | ● | ● |
| Indiana | ● | ● | ● |
| Iowa | ● | ● | ● |
| Kansas | ● | ● | ● |
| Kentucky | ● | ● | ● |
| Louisiana | ● | ● | ● |
| Maine | ● | ● | ● |
| Maryland | ● | ● | ● |
| Massachusetts | ● | ● | ● |
| Michigan | ● | ● | ● |
| Minnesota | ● | ● | ● |
| Mississippi | ● | ● | ● |
| Missouri | ● | ● | ● |

| | Legislative Control | Governor's Party | State Control |
|----------------|---------------------|------------------|---------------|
| Montana | ● | ● | ● |
| Nebraska | 1 | ● | 1 |
| 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 | ● | ● | ● |

- Republican
- Democrat
- Independent
- Split / Divided

1 Nebraska has a non-partisan legislature

ANTI-EQUALITY EFFORTS

Against the will of most Americans, the surge of anti-LGBTQ legislation in state legislatures is anticipated to continue in 2018, with many of these bills seeking to erode progress achieved in previous years. We are likely to continue to see a sustained attack on transgender people, particularly in the areas of public accommodations and health care, as well as relentless pressure from opponents of equality to carve out special licenses to discriminate for people who justify their discrimination as a matter of faith or expression.



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As more Americans become familiar with the transgender people who are their friends, families and neighbors, it has become a political liability to attack this vulnerable population. And yet, anti-LGBTQ legislators are likely to propose bills that prevent transgender people from using public facilities that accord with their gender identity, prevent or effectively prevent transgender people from accessing medically-necessary health care or other services, and make gender and name changes on identification documents more onerous. We may also see additional legislation that would harm transgender youth by prohibiting the recognition of their gender identity in school sports and activities.

As in 2017, anti-LGBTQ lawmakers in many states will likely introduce bills that allow individuals and businesses to discriminate against LGBTQ people based on their religious or moral objections. We anticipate that such bills will be more sector-specific than the sweeping licenses to discriminate that we have seen in the past. Legislators attempting to enshrine discrimination may instead look to laws passed in 2017 in Texas, Alabama, South Dakota, Florida and Kentucky which create licenses to discriminate in a specific field (child welfare services like adoption and foster care in the case of the first three states, and in education in the latter two). In addition to these sector-specific license to discriminate bills, we may see lawmakers revisit the issue of service refusals in places of public accommodation, particularly as the question of wedding-related services is in the news with the *Masterpiece* case at the U.S. Supreme Court.

Bills aiming to create new licenses to discriminate may be combined with or supplemented by municipal preemption bills, such as North Carolina's HB2 and HB142, that override parts of or altogether prohibit local governments from banning discrimination at the local level.

ADVANCING LGBTQ EQUALITY

Efforts to secure fundamental protections against discrimination for LGBTQ Americans in employment, housing, and places of public accommodation will continue full force in state legislatures across the nation. Lawmakers in more than a dozen states have pledged to work to advance a full range of protections against anti-LGBTQ discrimination, including in Florida, Michigan, Ohio, and Pennsylvania.

In states with pro-equality legislative majorities and existing non-discrimination protections for LGBTQ citizens, legislatures may next tackle critical measures to strengthen bullying protections in schools, protect youth from the harmful and discredited practice of conversion therapy, simplify the process of name and gender marker changes on identity documents, and require LGBTQ cultural competency training for medical and social service providers.

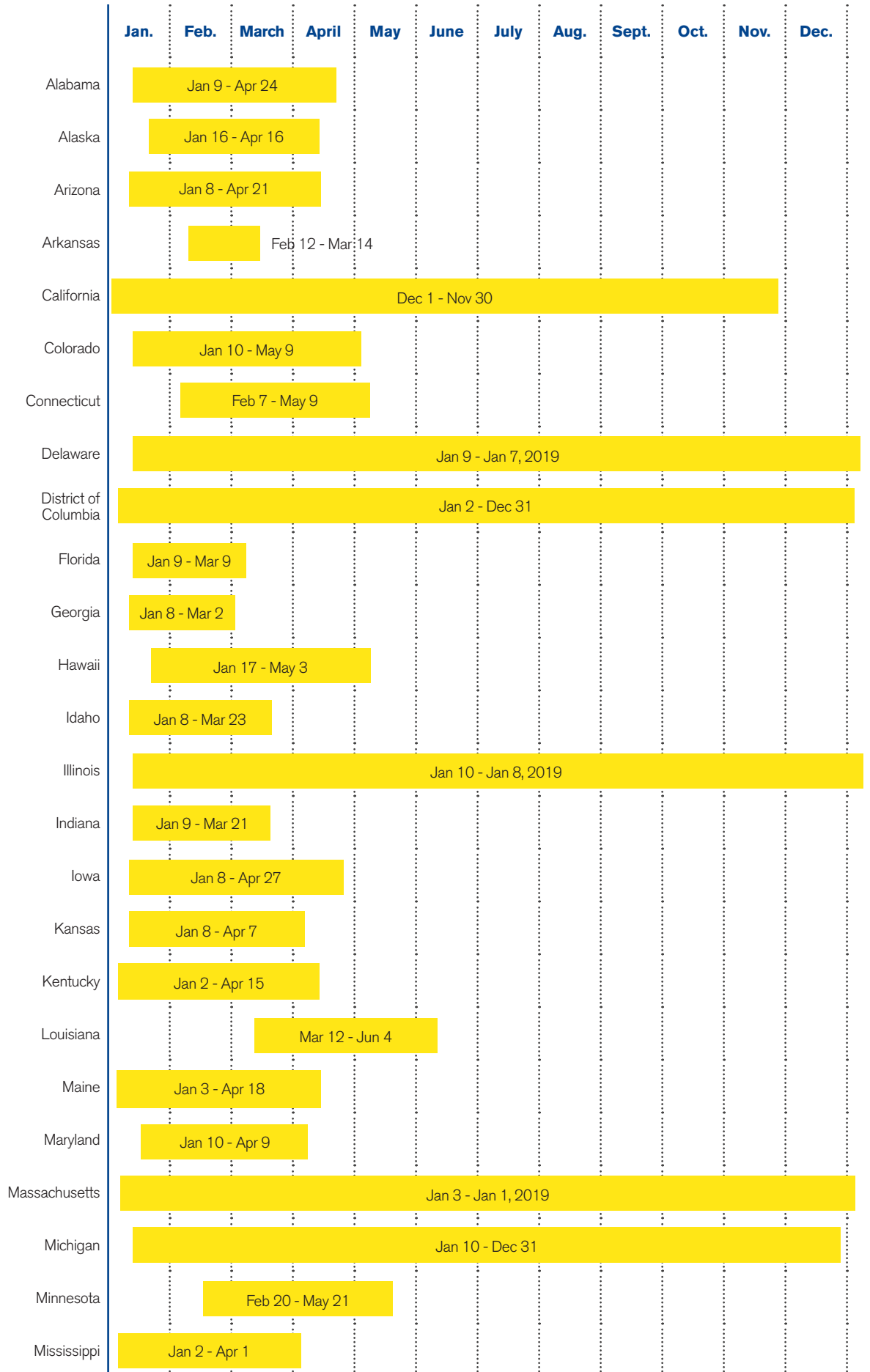
BALLOT MEASURES

Already, opponents of equality have placed on the ballot two measures to repeal or undermine laws protecting transgender people from discrimination. Voters in Anchorage, Alaska, will consider a measure in April, and Massachusetts will vote in November on a possible repeal of existing protections against discrimination in places of public accommodation like stores and restaurants. Broad coalitions of local, state, and national civil rights organizations have already formed to fight these dangerous efforts.



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Addendum: 2018 Legislative Sessions





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