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Dear Readers

This year, we have been confronted with vivid reminders of just how much further we have to go in the fight for full equality. Anti-LGBTQ lawmakers introduced more than 200 bills attacking our community across 34 states. Many of these hateful bills specifically targeted the transgender community and shamefully promoted prejudice and discrimination under the guise of "religious freedom." But in the face of these legislative attacks, pro-equality lawmakers stood with us to fight back.

As we continue our efforts to pass the Equality Act in Congress and protect our community from discrimination at the federal level, pro-equality state leaders aren’t waiting for lawmakers in Washington to catch up. In Vermont and New York, lawmakers acted to ban the abusive practice of so-called "conversion therapy" for minors, joining a growing trend across the nation. And in Massachusetts, thanks to the tireless work of advocates and lawmakers, transgender people are finally protected from discrimination all across the state.

In states like Georgia and South Dakota, Republican governors stood up and spoke out for equality, vetoing legislation that attacked the LGBTQ community. In doing so, these leaders helped show the nation that fairness, equality and justice aren’t Democratic or Republican values— they are simply American values.

But despite this progress, we’ve still come up against politicians who have refused to listen, refused to learn, and who have willfully and intentionally planted themselves on the wrong side of history. There is perhaps no better example than in North Carolina, where anti-equality lawmakers called a special session and approved legislation that attacked the transgender community and shamefully promoted prejudice and discrimination under the guise of "religious freedom." But in the face of these legislative attacks, pro-equality lawmakers stood with us to fight back.

To those lawmakers who have stood with us to fight back, to those governors who stood up and spoke out for equality, to those elected officials who have refused to listen, refused to learn, and who have willfully and intentionally planted themselves on the wrong side of history. There is perhaps no better example than in North Carolina, where anti-equality lawmakers called a special session and approved legislation that attacked the transgender community and shamefully promoted prejudice and discrimination under the guise of "religious freedom." But in the face of these legislative attacks, pro-equality lawmakers stood with us to fight back.

The outcry over his signing of House Bill 2 was in large part responsible for his loss. This makes it abundantly clear that state-based efforts are more important now than ever. In light of the likely opposition from the new administration, it is crucial that states continue to take the lead in advancing equality for all LGBTQ people.

Sincerely,

Chad Griffin
President
Human Rights Campaign Foundation

From marriage to non-discrimination protections, so much of the progress we’ve made in the 47 years since Stonewall has happened at the statewide level. As we head into 2017 with a new presidential administration, work in the states will be more important than ever before.

Equality-Federation is proud to be a strategic partner to our members, the state-based organizations working to win equality in the communities we call home. No matter what happens on the federal level, our members will work hard to hold on to our past wins and forge ahead to create welcoming communities for all LGBTQ people.

The State Equality Index (SEI) is such an important tool because it documents the progress we’ve made while underscoring the important work still to be done. Its five categories of laws and policies provide the most comprehensive picture available of LGBTQ equality in 2016 in all 50 states and the District of Columbia. From marriage to non-discrimination protections, so much of the progress we’ve made in the 47 years since Stonewall has happened at the statewide level. As we head into 2017 with a new presidential administration, work in the states will be more important than ever before.

Sincerely,

Rebecca Isacs
Executive Director
Equality Federation
Despite the very real threat of bad bills across the country, 2016 saw tremendous momentum on good bills.

On the state legislative front, most positive legislative victories didn’t make a big news splash, but brought important gains for LGBTQ people. There were several bright spots as states considered innovative bills and administrative policies to protect youth, enhance transgender healthcare and enact non-discrimination protections setting the stage for future advances to further LGBTQ equality.

For a full review of state legislation that was introduced, considered, passed, or killed in 2016, please see HRC.ORG/SEI.
Several changes in parenting laws occurred in the courts this year. In July, the Maryland Court of Appeals, the state’s highest court, determined state law does in fact grant parental recognition rights to families headed by LGBTQ people in Conover v. Conover. Same-sex adoption rights reached the U.S. Supreme Court this year in V.L. v. E.L., where the Court unanimously reversed the Alabama Supreme Court’s decision that denied recognition of an adoption by a lesbian non-biological mother. The decision is a huge win in the ongoing fight for adoption rights for same-sex couples. Unfortunately, not all court decisions have been positive. In December, the Arkansas Supreme Court reversed a lower court’s decision directing the Arkansas Department of Health to list both same-sex parents on their child’s birth certificate. The ruling attempts to limit the scope of the U.S. Supreme Court decision in Obergefell v. Hodges, even though the Supreme Court specifically listed birth certificates as one of the governmental rights, benefits and responsibilities that marital status confers.

Several states, including Alabama, Oklahoma and Nebraska, attempted to pass legislation impeding the ability of same-sex couples to adopt through bills that would allow child placement agencies to discriminate in foster care or adoption placements based on their religious views. Fortunately, no such bills passed in any state this year.

Massachusetts expanded non-discrimination protections to transgender residents and visitors to the state. While Massachusetts state law already prohibited discrimination against transgender people in housing and employment, the new law extended these same crucial protections to public accommodations. Furthermore, Governors in four states issued Executive Orders prohibiting discrimination against LGBTQ people. Montana Governor Steve Bullock signed an Executive Order addressing discrimination on the basis of sexual orientation and gender identity for state employees and recipients of state services, as well state contractors and subcontractors. Louisiana Governor John Bel Edwards and New Hampshire Governor Maggie Hassan issued similar Executive Orders. Pennsylvania Governor Tom Wolf added protections, via Executive Order, for the employees of grantees, contractors, and subcontractors, supplementing prior executive action. Finally, North Carolina Governor Pat McCrory issued an Executive Order stating an intention not to discriminate in state employment on the basis of sexual orientation and gender identity without actually prohibiting such discrimination; he also affirmed the discriminatory restriction on transgender people established by House Bill 2.

As some states expanded vital protections for LGBTQ residents, many others amplified efforts to undermine non-discrimination protections through municipal preemption laws that preclude local governments from enacting LGBTQ-inclusive non-discrimination ordinances. North Carolina passed House Bill 2, an unprecedented law that eliminated existing municipal non-discrimination protections for LGBTQ people and living wage ordinances and prevents such protections from being passed by cities in the future. In addition, the law prohibits transgender people from using restrooms and other facilities consistent with their gender identity in government owned buildings including all publicly owned schools, airports, convention centers, and health care facilities. The bill was introduced, passed through the legislature, and signed into law by Governor Pat McCrory in less than twelve hours creating unprecedented backlash from businesses and a wide range North Carolinians.
The U.S. Department of Justice has filed a lawsuit against Gov. McCrory, the N.C. Department of Public Safety, and the University of North Carolina Board of Governors challenging HB2 under federal law.

Other States introduced legislation aimed at undermining non-discrimination law as well. In particular, Mississippi passed the deceptively named “Protecting Freedom of Conscience from Government Discrimination Act.” The bill bars the state from discriminating against individuals or organizations that discriminate based on their belief that marriage is between one man and one woman, that sexual relations should occur only in the context of such a marriage, or that a person’s sex is defined by immutable biological traits. In effect, the bill enables almost any individual or organization to discriminate against LGBTQ Mississippians at work, at school and in their communities. On the eve of implementation, U.S. District Judge Carlton Reeve ruled that the law was unconstitutional, blocking it from taking effect. Georgia Governor Nathan Deal vetoed a variation of the Mississippi law, explaining that he wanted to keep Georgia a welcoming state for everyone.

Finally, Tennessee passed a law allowing counselors and therapists to refuse to counsel or serve a client as to goals, outcomes, or behaviors that conflict with the sincerely held principles of the counselor or therapist. The bill requires the counselor to refer the client to another therapist.

HATE CRIMES
2016 saw a surge in hate crime bills across the nation. Forty-one bills in twelve states were introduced that either sought to broaden the scope of existing hate crime law to include sexual orientation and gender identity or create new and inclusive hate crime law. Additionally, Rhode Island passed a conscience resolution in both the House and Senate, expressing to the President of the United States and Governor of Florida its deepest condolences to the families to the victims of the Pulse shooting.

YOUTH
States considered youth-related bills that fall into four main categories: suicide awareness and prevention, anti-bullying policies, conversion therapy bans, and sex education policies.

Seven states enacted legislation that either require schools to develop youth suicide prevention policies or mandate suicide prevention training for school personnel. California passed a bill requiring school districts to adopt suicide prevention policies addressing the needs of high-risk groups, including LGBTQ youth. The District of Columbia passed a similar bill requiring all school-based personnel to receive suicide prevention training every year. The bill also requires the training include a focus on high risk subgroups, such as LGBTQ youth. These laws are especially important, and their passage particularly heartening, given the fact that LGBTQ youth are at a substantially increased risk of suicide.

Five states passed laws mandating school boards develop and implement anti-bullying policies, required school boards to review the effectiveness of anti-bullying policies, or mandate suicide prevention training for school personnel. California passed a bill requiring school districts to develop youth suicide prevention policies addressing the needs of high-risk groups, including LGBTQ youth.

In 2016, eighteen states considered bill related to conversion therapy, or dangerous and discredited practices that falsely claim to change a person’s sexual orientation or expression. Vermont passed its conversion therapy ban which prohibits state-licensed mental health care providers from engaging in conversion therapy with youth.

Thirteen states considered bills in 2016 related to reforms in sex education. Although the majority of these proposals represented positive changes and sought to expand access to inclusive sex education, Mississippi passed a bill that, in part, includes anti-LGBTQ sex education language.

Lastly, fourteen states introduced bills prohibiting transgender youth from using bathrooms and other sex-segregated facilities inconsistent with their sex assigned at birth. In South Dakota, however, Governor Dennis Daugaard vetoed a bill that would have discriminated against transgender youth by prohibiting transgender students from using school restrooms and other facilities consistent with their gender identity.

HEALTH AND SAFETY
Great gains were made in 2016 in the realm of transgender-inclusive healthcare coverage. In June, Hawaii passed a bill prohibiting health insurers in Hawaii from discriminating on the basis of gender identity with respect to policies, health care plans, health coverage, or agreements. Five states, including Delaware, Hawaii, Maryland, Michigan and Pennsylvania banned transgender exclusions in health care insurance, a sizable increase from 2015.
COMPARATIVE LEGISLATION
AT A GLANCE

OVERALL

RELATIONSHIP RECOGNITION

PARENTING LAWS

YOUTH LAWS

HEALTH & SAFETY

NON-DISCRIMINATION LAWS
OUTLOOK FOR 2017

This includes continued campaigns to enact vital non-discrimination protections for LGBTQ people as well as intensified efforts to protect LGBTQ youth from conversion therapy. At the same time, a flurry of anti-LGBTQ bills are anticipated in many states. And since many states allow bills that were neither defeated nor enacted in 2016 to carry over into 2017, many of the same discriminatory bills from this year are likely to be considered next year.

PRO-EQUALITY EFFORTS

Efforts to secure fundamental protections for LGBTQ Americans in employment, housing, and public accommodations will continue in state legislatures across the nation. Campaigns to expand existing state non-discrimination laws to include sexual orientation and gender identity will exist in approximately a dozen states, including Florida, Idaho, Michigan, Nebraska, Ohio, and Pennsylvania. North Carolina’s new Governor, Roy Cooper, has made repeal of House Bill 2 a priority.

In states that have pro-equality legislative majorities and non-discrimination protections for LGBTQ citizens, there will be an increased focus on bills that 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.

CONCLUSION

Though the LGBTQ community will be under attack in the coming year, the success of advocates in defeating the overwhelming majority of anti-LGBTQ bills in 2016 presents a hopeful outlook for 2017. While the outcome of the 2016 election year presents significant challenges, the unwavering passion and determination of state and local advocates across the country will undoubtedly persevere. We look forward to continuing our partnership with state advocates as we continue the march toward full equality for LGBTQ Americans.

Efforts to secure fundamental protections for LGBTQ Americans in employment, housing, and public accommodations will continue in state legislatures across the nation.
NON-DISCRIMINATION IN HOUSING

STATES THAT PROHIBIT HOUSING DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Hawaii
- Illinois
- Iowa
- Maine
- Maryland
- Massachusetts
- Minnesota
- Nevada
- New Jersey
- New Mexico
- New York
- Oregon
- Rhode Island
- Utah
- Vermont
- Washington
- Hawaii
- Illinois
- Iowa
- Maine
- Maryland
- Massachusetts
- Minnesota
- Nevada
- New Jersey
- New Mexico
- New York
- Oregon
- Rhode Island
- Utah
- Vermont
- Washington

VALID AS OF DECEMBER 1, 2016

NON-DISCRIMINATION IN EMPLOYMENT

STATES THAT PROHIBIT EMPLOYMENT DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Hawaii
- Illinois
- Iowa
- Maine
- Maryland
- Massachusetts
- Minnesota
- Nevada
- New Jersey
- New Mexico
- New York
- Oregon
- Rhode Island
- Utah
- Vermont
- Washington

STATES THAT PROHIBIT EMPLOYMENT DISCRIMINATION BASED ON SEXUAL ORIENTATION ONLY
- New Hampshire
- Wisconsin

VALID AS OF DECEMBER 1, 2016
NON-DISCRIMINATION IN EDUCATION

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

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

STATES THAT PROHIBIT NON-DISCRIMINATION IN EDUCATION BASED ON SEXUAL ORIENTATION ONLY

- Wisconsin

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

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

STATES THAT PROHIBIT PUBLIC ACCOMMODATIONS DISCRIMINATION BASED ON SEXUAL ORIENTATION ONLY

- New Hampshire
- Wisconsin

STATES THAT PROHIBIT PUBLIC ACCOMMODATIONS DISCRIMINATION BASED ON SEXUAL ORIENTATION ONLY

- New Hampshire
- Wisconsin
ANTI-BULLYING LAWS

STATES WITH ANTI-BULLYING LAWS THAT PROVIDE SPECIFIC PROTECTION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Illinois
- Indiana
- Iowa
- Maine
- Maryland
- Massachusetts
- Minnesota
- Mississippi
- Missouri
- Montana
- Nebraska
- Nevada
- New Hampshire
- New Jersey
- New York
- North Carolina
- Oregon
- Rhode Island
- Texas
- Utah
- Washington

STATES WITH LAWS THAT RESTRICT THE INCLUSION OF LGBTQ TOPICS IN SCHOOLS
- Alabama
- Arizona
- Arkansas
- Louisiana
- Mississippi
- Missouri
- Nevada
- New Jersey
- New York
- North Carolina
- Oklahoma
- Oregon
- Pennsylvania
- South Carolina
- Texas
- Utah

STATES WHERE SECOND-PARENT ADOPTION IS AN OPTION FOR SAME-SEX COUPLES STATEWIDE
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Illinois
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Mississippi
- Missouri
- Montana
- Nebraska
- Nevada
- New Hampshire
- New Jersey
- New York
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Oregon
- Pennsylvania
- Rhode Island
- South Carolina
- South Dakota
- Tennessee
- Texas
- Utah
- Vermont
- Virginia

*Please see individual state score cards other criteria related to relationship recognition on adoption including non-discrimination provisions and stepparent adoption.
STATES WITH LAWS AND POLICIES THAT FACILITATE GENDER MARKER CHANGE ON DRIVER’S LICENSES

Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Hawaii
Idaho
Illinois
Indiana
Kansas
Maine
Maryland
Massachusetts
Minnesota
Nevada
New Jersey
New Mexico
New York
Ohio
Oregon
Pennsylvania
Rhode Island
Utah
Virginia
Washington
West Virginia
Wisconsin
Wyoming

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

Idaho
Ohio
Oklahoma
Tennessee

STATES WITH LAWS AND POLICIES THAT FACILITATE GENDER MARKER CHANGE ON BIRTH CERTIFICATES

Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Hawaii
Idaho
Illinois
Indiana
Kansas
Maine
Maryland
Massachusetts
Minnesota
Nevada
New Hampshire
New Jersey
New Mexico
New York
Ohio
Oregon
Pennsylvania
Rhode Island
Utah
Virginia
Washington
West Virginia
Wisconsin

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

Idaho
Ohio

STATES WITH BANS ON INSURANCE EXCLUSIONS FOR TRANSGENDER HEALTH CARE

California
Colorado
Connecticut
Delaware
District of Columbia
Hawaii
Idaho
Illinois
Indiana
Kansas
Maine
Maryland
Massachusetts
Minnesota
Nevada
New Hampshire
New Jersey
New Mexico
New York
Rhode Island
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming

STATES WITH TRANSGENDER-INCLUSIVE HEALTH BENEFITS FOR STATE EMPLOYEES

California
Connecticut
District of Columbia
Massachusetts
Minnesota
New York
Pennsylvania
Washington

STATES WITH TRANSGENDER COVERAGE EXCLUSIONS IN MEDICAID

Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Hawaii
Idaho
Illinois
Indiana
Kansas
Maine
Massachusetts
Michigan
Minnesota
Nevada
New Hampshire
New Jersey
New Mexico
New York
Oregon
Pennsylvania
Rhode Island
Tennessee
Utah
Virginia
West Virginia
Wisconsin
Wyoming

STATES WITH TRANSGENDER HEALTHCARE

Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Hawaii
Idaho
Illinois
Indiana
Kansas
Maine
Maryland
Massachusetts
Minnesota
Nevada
New Hampshire
New Jersey
New Mexico
New York
Ohio
Oregon
Pennsylvania
Rhode Island
Utah
Virginia
Washington
West Virginia
Wisconsin
Wyoming
STATES THAT HAVE A LAW THAT ADDRESSES HATE OR BIAS CRIMES BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY

- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Hawaii
- Illinois
- Maryland
- Massachusetts
- Minnesota
- Missouri
- Nevada
- New Jersey
- New Mexico
- Oregon
- Vermont
- Washington

STATES THAT HAVE A LAW THAT ADDRESSES HATE OR BIAS CRIMES BASED ON SEXUAL ORIENTATION ONLY

- Arizona
- Florida
- Iowa
- Kansas
- Kentucky
- Maine
- Nebraska
- New Hampshire
- New York
- Rhode Island
- Tennessee
- Texas
- Wisconsin

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

- Alabama
- Arkansas
- Colorado
- Florida
- Georgia
- Idaho
- Illinois
- Indiana
- Louisiana
- Maryland
- Michigan
- Minnesota
- Mississippi
- Missouri
- Nebraska
- New Jersey
- North Carolina
- North Dakota
- Oklahoma
- Pennsylvania
- South Carolina
- South Dakota
- Utah
- Virginia
DATA COLLECTION

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

California
Colorado
Connecticut
Delaware
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kentucky
Louisiana
Massachusetts
Minnesota
Mississippi
Missouri
Nevada
New York
Ohio
Pennsylvania
Rhode Island
Texas
Vermont
Virginia
Washington
Wisconsin

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

Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Hawaii
Illinois
Indiana
Kentucky
Louisiana
Massachusetts
Maryland
Michigan
Nevada
New Jersey
New York
New Mexico
North Carolina
North Dakota
Ohio
Pennsylvania
Rhode Island
Texas
Vermont
Virginia
Washington
Wisconsin
Wyoming

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

California
Connecticut
Delaware
Hawaii
Illinois
Indiana
Kentucky
Massachusetts
New York
Pennsylvania
Rhode Island
Texas
West Virginia

STATES WITH LAWS THAT PROTECT FROM CONVERSION THERAPY

California
District of Columbia
Illinois
New Jersey
Ohio
Oregon
Pennsylvania
Rhode Island
Vermont

VALID AS OF DECEMBER 1, 2016

SUMMARY | ISSUE MAPS
Massachusetts passed full transgender non-discrimination protections in July 2016 when we expanded the law to cover gender identity protections in public accommodations.

The non-discrimination law that gave gender identity protections in employment and housing passed in 2011, and resulted in an enormous compromise because the final bill omitted protections in public accommodations. After years of advocacy, electing new progressive leadership, and brave storytelling of harassment, abuse and discrimination from the transgender community, we were finally able to include public accommodations protections in the law.

Our opponents used the usual ugly rhetoric about bathroom predators and tried to amend the bill to include a requirement to show IDs upon entering a restroom. Thankfully, legislators realized how ludicrous showing documentation to use the bathroom would be and dropped it. The more progressive Senate, led by the openly gay President Stan Rosenberg, passed the bill by wide majority. The vote in the House was much closer.

Throughout the consideration of the bill, the halls of the State House were filled with conservative extremists protesting the entire debate in the House -- a very unusual sight in MA.

Unfortunately, opponents of the law, organized by the Mass Family Institute, Mass Resistance and other anti-equality extremists, collected a sufficient number of signatures to place the law on the ballot for repeal in 2018. The battle continues, although the law went into effect on October 1, 2016.

The campaign was led by MassEquality and our partners in the Freedom Massachusetts campaign—the Massachusetts Trans Political Caucus, GLAD, American Civil Liberties Union (ACLU), Boston Alliance of Gay, Lesbian, Bisexual and Transgender Youth (BAGLY), Human Rights Campaign (HRC), and Freedom for All Americans.

DEBORAH SHIELDS, JD, MPH
Executive Director
MassEquality
**RELATIONSHIP RECOGNITION**

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

While the state scorecards previously looked at the status of relationship recognition in each state, because marriage equality is now universal, this category has been removed from the state scorecards. In 2016, several states introduced bills that would limit recognition of same-sex marriages or allow state officials to refuse to provide licenses for same-sex couples. Fortunately, no state passed one of these bills, and therefore this category of laws will not be reflected on the state scorecards.

**PARENTING LAWS & POLICIES**

Every child deserves a loving home and every family should be able to recognize familial relationships free from discrimination on the basis of sexual orientation or gender identity.

This category evaluates state laws, policies, or court cases that allow for the creation and recognition of family units and which affect the ability of LGBTQ families to adopt and provide legal recognition for their families.

Some states prevent LGBTQ individuals or same-sex couples from serving as adoptive or foster parents, and many public child welfare agencies still discriminate against qualified, licensed LGBTQ foster and adoptive families. When LGBTQ families are denied the ability to foster and adopt children, children are denied the right to safe, happy, and healthy permanent homes.

Note that not all states allow for each of the family creation legal mechanisms detailed in this category. It is also important to note that family law can differ widely between jurisdictions, and items in the category may not reflect variances in family law issues between different counties in a state. Unless there is a specific prohibition on joint or second parent adoptions in a state, it is likely that at least some same-sex couples are able to adopt via these mechanisms through individual judges.

**POSITIVE LAWS & POLICIES**

The 2016 SEI removed the Joint Adoption category and Step Parent category from its scoring criteria. Thanks to Obergefell v. Hodges, the Supreme Court of the United States case that made nationwide marriage equality a reality, LGBTQ couples gained the ability to access joint adoption and/or step parent adoptions in a number of additional states since 2014 through existing laws that allow for adoption by married couples.

**SECOND PARENT ADOPTION**

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

**SURROGACY LAWS**

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

**NEGATIVE LAWS & POLICIES**

The 2016 SEI removed the Refusal to Recognize Same-Sex Marriage for Parentage category from its scoring criteria. This item previously indicated state laws, agency rules, or statewide court rulings that do not recognize the legal parentage of both parents in a same-sex marriage to any children born to that couple. However, following the U.S. Supreme Court decision in Obergefell v. Hodges, such refusals would come into conflict with the Court’s ruling.

**PROHIBITION OF SURROGACY**

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

**LAWS PERMITTING DISCRIMINATION IN FOSTER/ADOPTION PLACEMENT**

This item indicates state laws that allow for discrimination in the placement of foster youth with LGBTQ families or adoption by LGBTQ families. This is generally done either by specifically allowing for discrimination against LGBTQ families or by privileging married couples for adoption or foster placement. Other states will introduce a “conscious” exception for foster or adoption placement agencies, allowing them to discriminate on the basis of their religion against LGBTQ families.
The state of Montana made significant advances in promoting equality and protections for the LGBTQ community in 2016. Through executive and administrative actions, Montana leaders took steps to offer new protections to LGBTQ people in communities across the state.

In January, through an executive order, Governor Steve Bullock issued a major expansion of Montana’s nondiscrimination policy that offers new protections to tens of thousands of Montanans. Specifically, this expansion added gender identity and expression to the list of enumerated classes protected by the Montana state government. This means that Montanans are protected in state employment, the provision of state services, and it requires that entities who contract with the state adhere to the nondiscrimination policy. This means that hardworking LGBTQ state employees and those who work for state contractors can go to work secure that they will be judged by their performance and the quality of their work.

Furthermore, it means that people accessing state services can be themselves without fear of being treated unfairly based on their gender identity and expression. We continue to work with state-based and national partners to ensure that this policy is implemented in the most effective way possible.

In April, Monica Lindeen, the Commissioner of Insurance and Securities issued a bulletin prohibiting discriminatory trans exclusions in private health plans. Montana became the 16th state (plus DC) to ban these exclusions. Transgender health insurance exclusions had been common in Montana.

Previously, insurers were allowed to deny any type of care that a transgender person might need, including basic health services like preventive care, mental health counseling, and hormone therapy. This was true even though insurers regularly covered the same services for cisgender people. We were proud to work with Commissioner Lindeen’s office as she corrected a long-standing discriminatory practice that hurt the transgender community.

KIM ABBOTT
Co-Director

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

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

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

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

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

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

**NON-DISCRIMINATION POLICY FOR STATE EMPLOYEES**
This item indicates state laws or administrative policies that prohibit discrimination against state employees on the basis of sexual orientation or gender identity.

**NEGATIVE LAWS & POLICIES**

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

**RESTRICTIONS ON MUNICIPAL PROTECTIONS**
This item indicates state laws which prevent municipalities in a state from passing non-discrimination ordinances that protect categories broader than those protected by state law, generally leaving out sexual orientation and gender identity.

This is different from “Dillon’s Rule” states, which also limit municipal power but do so without a discriminatory intent.

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

**HATE CRIMES LAWS**

No one should face violence due to their sexual orientation or gender identity.

This category evaluates state hate crimes laws to assess whether they provide protection on the basis of sexual orientation or gender identity and also whether these laws require the states to report hate crime incidents to the federal government.

Although the federal hate crimes law does provide protection on the basis of sexual orientation and gender identity, this only pertains to violent offenses with a federal nexus, and it does not require states to report hate crime incidents on the basis of sexual orientation or gender identity. Therefore, it is important that states pass hate crimes legislation to supplement the federal protections.

**POSITIVE LAWS & POLICIES**

**LGBTQ INCLUSION**
This item indicates state laws that specifically include sexual orientation or gender identity in hate crimes protections.

**REQUIRED REPORTING**
This item indicates state laws which require the collection of data regarding incidents of hate crimes based on sexual orientation or gender identity and reporting that data to the federal government.
**WASHINGTON**

In 2006, Washington State enacted a law protecting LGBTQ people from discrimination in employment, housing and public accommodations. However, after almost 10 years, opponents decided to challenge those protections for trans and gender non-confirming people in places of public accommodation. Emboldened by a wave of anti-trans rhetoric across the country, equality opponents believed now was the time to act and undermine Washington’s progress.

Six anti-trans bills were introduced in the Washington State legislature this year — all focused on limiting transgender people’s access to restrooms and public facilities. Fortunately, Washington State has a considerable amount of support from elected leaders in our House of Representatives and a strong, pro-equality Governor to protect our LGBTQ community.

Undaunted, LGBTQ opponents filed a ballot measure to repeal segments of Washington’s non-discrimination protections by popular vote. Initiative 1515 was a dangerous measure that specifically targeted trans and gender non-conforming youth in schools by:

- Prohibiting transgender students from being able to use bathrooms consistent with their gender identity;
- Banning all schools and/or school districts in Washington State from implementing access policies that keep transgender students safe from bullying and violence; and,
- Putting bounties on the heads of transgender youth by allowing students to sue schools for $2500 per instance a transgender student is caught using the bathroom.

LGBTQ and Allied organizations across Washington quickly came together and revived a dormant equality coalition campaign called, “Washington Won’t Discriminate” to oppose these efforts. Washington Won’t Discriminate was originally introduced to support the implementation of Washington’s original non-discrimination law in 2006, and was revitalized to protect it in 2016. The great part of the Washington Won’t Discriminate campaign was the muscle memory in the community around how to build a successful coalition and work together. The history around the Washington Won’t Discriminate brand provided the coalition a foundation of trust to build from in its re-introduction across the state.

Six months of intense opposition paid off, and Initiative 1515 fell almost 30,000 signatures short of qualifying for the ballot. However, even with strong non-discrimination laws firmly in place, our opponents continue to work hard to roll back our progress and weaken our rights.

We know, eternal vigilance is the price of liberty. As LGBTQ leaders, we take nothing for granted. We are working hard to organize and educate voters around trans equity issues because we know our opponents will be back. Due to Washington’s initiative process, our strategy for success has to be around both legislative advocacy and progressive community education.

**MONISHA HARRELL**
Board of Directors, Chair
Equal Rights Washington

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**YOUTH-RELATED LAWS & POLICIES**

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

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

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

### POSITIVE LAWS & POLICIES

#### ANTI-BULLYING LAWS

These items indicate state laws that protect youth from bullying and harassment, generally by requiring individual school districts to have anti-bullying policies in place. Credit was given for laws which are enumerated, meaning they specifically list characteristics which are frequently the target of bullying and harassment, while providing anti-bullying protection for all students. Enumeration is especially important to protect LGBTQ students, as research has demonstrated that non-enumerated policies are no more effective to protect vulnerable students than having no policy in place. State laws are only indicated by this item if they provide protection on based on both sexual orientation and gender identity.

The second item indicates states with model policies, guidance documents generally created by the state Department of Education, which include enumerated sexual orientation and gender identity.

The “Alternative Discipline” item indicates state laws which specifically include language that supports alternative forms of discipline that focus on education, remediation, prevention, and providing support for the target of bullying rather than exclusionary discipline, criminalization, or “zero tolerance” policies for bullying and harassment.

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

#### SCHOOL SUICIDE PREVENTION POLICIES

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

#### TRANSGENDER INCLUSION IN SPORTS

This item indicates either legislation, regulations from the state Department of Education, or authoritative guidance from the state organization that regulates intramural secondary school sports that allows transgender students reasonable access to participate in school sports.

#### PROTECTION FROM CONVERSION THERAPY

This item indicates laws designed to protect LGBTQ youth from conversion therapy through licensing restrictions which prevent licensed mental health service professionals from conducting conversion therapy on youth under age 18.

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**STATE HIGHLIGHT SCORECARD | CRITERIA**
As we all know, House Bill 2 (HB 2) has scarred North Carolina’s image on an international scale. A recent poll found that the majority of North Carolinians consider it to be harmful to the state. This bill prompted a heated battle for HRC and ENC. We stood together like never before to rally LGBTQ North Carolinians and our allies to Raleigh to educate countless individuals about the harms of the bill.

The 2017 long session in North Carolina will still likely be a session where LGBTQ advocates must watch closely and continue to work towards the full repeal of House Bill 2. We’re now more hopeful under the leadership of an incoming LGBTQ equality champion in the governor’s mansion and we’ll continue to find more ways than ever before to make sure every North Carolinian has access to the same opportunities and enjoys the same protections.

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MATT HIRSCHY
Director of Advancement
Equality North Carolina

YOUTH-RELATED LAWS & POLICIES

LAWS TO ADDRESS LGBTQ YOUTH HOMELESSNESS
This item indicates state laws that specifically address homelessness among LGBTQ youth by, for example, requiring that service providers for homeless youth have non-discrimination policies in place and adequate cultural competency training, enhancing data collection to understand disparities among this vulnerable population, and ensuring that homeless transgender youth are able to receive appropriate services based on their gender identity and expression.

LGBTQ INCLUSIVE SEX EDUCATION LAWS
This item indicates state law or regulatory guidance which requires that any sexual health education provided to students is specifically inclusive of LGBTQ youth.

LGBTQ INCLUSIVE JUVENILE JUSTICE POLICIES
This item indicates state laws, regulations, or policies designed to protect LGBTQ youth in juvenile justice settings from discrimination on the basis of sexual orientation and gender identity.

NEGATIVE LAWS & POLICIES

INEQUALITY IN AGE OF CONSENT FOR SAME-SEX COUPLES
This item indicates state laws that create different standards in the age of consent for same-sex and opposite-sex couples. Many states have a so-called “Romeo and Juliette” exception to age of consent laws that prevents violation of these laws as long as the couple is within a particular age range, but for some states this exception only applies to opposite-sex couples.

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

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

LAWS THAT RESTRICT INCLUSION OF LGBTQ TOPICS IN SCHOOLS
This item indicates state laws that prohibit educators from discussing LGBTQ topics in schools or that require that any discussion of LGBTQ topics in schools be presented in a negative way. While these laws generally pertain only to sexual health education, they are frequently interpreted in a broader way by school districts. In some states these laws are not operative, but because of the negative impact can have on LGBTQ youth even if they are not officially enforced, they are still noted as present.
Everyone should be able to access appropriate health care that is culturally competent and affirming, regardless of their sexual orientation or gender identity. Moreover, everyone should be able to access identity documents that reflect the way in which they live their lives.

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

With the implementation of the Affordable Care Act (ACA) and the rapidly evolving nature of health care, it is likely that measures relating to non-discrimination in health care and prohibitions on transgender health care exclusion will continue to grow.

### POSITIVE LAWS & POLICIES

#### LGBTQ NON-DISCRIMINATION PROTECTIONS IN ACA EXCHANGES

This item indicates state laws or administrative policies that specifically prohibit discrimination on the basis of sexual orientation or gender identity by insurance providers and health care providers through state implementation of the ACA. While the ACA and federal regulations make clear that health care and insurance providers must not discriminate, enforcement is administered by the states, and so it is important that states and policies establishing Exchanges reflect federal non-discrimination mandates.

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

#### BAN ON INSURANCE EXCLUSIONS FOR TRANS HEALTH CARE

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

#### TRANSGENDER HEALTHCARE INCLUSION IN STATE MEDICAID

This item indicates state laws or agency rules that specifically allow for transition-related coverage for transgender people through state Medicaid.

#### TRANSGENDER INCLUSIVE HEALTH BENEFITS FOR STATE EMPLOYEES

This item indicates state laws, administrative policies, or court decisions which provide transgender state employees access to transgender and transition-related health care through their employment health benefits.

#### NAME AND GENDER CHANGE ON IDENTIFICATION DOCUMENTS

These items indicate state laws or administrative policies that allow transgender people to change their gender markers on their driver’s licenses or birth certificates with a minimum of difficulty. Generally, this means that these laws or policies will create a clear process and not have specific surgery requirements in order to change one’s gender marker.

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

### HEALTH DATA COLLECTION

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

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

#### GENDER NEUTRAL SINGLE OCCUPANCY RESTROOMS

This item indicates state laws or agency guidance requiring single occupancy restrooms (that is, restrooms meant to accommodate only one person at a time) to be gender neutral.

### NEGATIVE LAWS & POLICIES

#### SODOMY LAWS

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

#### HIV CRIMINALIZATION LAWS

This item indicates state laws that criminalize behaviors of HIV+ people that carry a low or negligible risk of HIV transmission. States that criminalize behaviors that carry a higher risk of transmission will not be noted by this measure.

#### LAWS PROHIBITING TRANSGENDER PEOPLE FROM RECEIVING APPROPRIATE IDENTIFICATION

This item indicates state laws, administrative policies, or court decisions preventing transgender people from amending the gender markers on their driver’s licenses or birth certificates under any circumstances.

#### TRANSGENDER EXCEPTIONS IN STATE MEDICAID COVERAGE

This item indicates state laws or administrative policies that explicitly prohibit Medicaid coverage for transition-related care for transgender people.
The SEI scorecards are meant to assess the presence of statewide laws, policies, and court decisions that affect LGBTQ equality, either positively or negatively. Research for this project was conducted by the SEI team—a group of lawyers and law fellows—based on the criteria for each law and policy item, and compiled into a sample scorecard for each state. The data was drawn from publically available sources. The draft scorecards were provided to members of the Equality Federation, and these organizations were offered an opportunity to review the scorecards, ask any questions, give input, and provide additional sources for the SEI team to consider.

A number of substantial legal changes took place during the period of SEI research, most notably changes in marriage equality and parenting laws in states across the country. The SEI team engaged a number of law firms and individuals with legal expertise in these various areas to do a second review of each of the relevant scorecard items. These assessments were considered by the SEI team, and a final scorecard for each state was developed.

For each of the category descriptions, the SEI team made determinations on whether laws, administrative policies, or court decisions would qualify for each state law and policy item based on the nature of the item, typical statewide laws and policies concerning that item, and our determination about best practices for that item.

Laws refer to statewide statutes, either passed through the state’s legislative process or through referendum. Administrative regulations and policies refer to agency guidance or documented policies that have a legal effect (i.e., the policy is not merely aspirational—i.e., it is enforceable). The nature of these agency regulations and policies can vary widely based on the nature of the category, the state agency, and the administrative process in that state. Court decisions refer to final rulings by a relevant state or federal court with a statewide jurisdiction and for which the decision is in effect.

The SEI is an assessment of the statewide laws and policies which affect LGBTQ equality in each state and the District of Columbia. It is a roadmap for the types of laws and policies that advocates can work toward to make positive change and a marker by which we can measure the steady passage of statewide laws and policies affecting LGBTQ equality. However, the SEI does not rank states in terms of LGBTQ equality, nor is it an assessment of the friendliest states for LGBTQ people to live in.

Moreover, the SEI is not able to measure the implementation of laws, policies, or court cases that affect LGBTQ equality, which can have a very real impact on the day-to-day lived experiences of LGBTQ people.

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

<table>
<thead>
<tr>
<th>Category</th>
<th>For Sexual Orientation</th>
<th>For Gender Identity</th>
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<tr>
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<tr>
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<tr>
<td>Public Accommodations</td>
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<td>19</td>
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<tr>
<td>Jury Selection</td>
<td>20</td>
<td>14</td>
</tr>
<tr>
<td>Credit</td>
<td>15</td>
<td>4</td>
</tr>
</tbody>
</table>

OUT OF 50 STATES:

- 8 states have laws that restrict inclusion of LGBT topics in schools.
- 31 allow transgender people to change their name & gender on their driver’s license.
- 17 allow the same for birth certificates.
- 4 prohibit transgender people from receiving an appropriate ID.
- 16 include gender identity protections in their hate crimes law.
- 30 include sexual orientation protections in their hate crimes law.
- 19 have transgender exclusions in state Medicaid.
- 17 ban insurance exclusions for trans health care.
ANNUAL PROGRESS

NON-DISCRIMINATION LAWS
- Employment
- Housing
- Public Accommodations
- Education
- Adoption
- Foster Care
- Insurance
- Credit
- Jury Selection
- Non-Discrimination Policy for State Employees
- State Religious Freedom Restoration Acts
- Restrictions on Municipal Protections
- Religious Exemptions for Professional Training/Practice

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

HATE CRIME LAWS
- LGBTQ Protections
- Required Reporting

YOUTH LAWS
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- Transgender Inclusion in Sports
- Protection from Conversion Therapy
- Laws to Address LGBTQ Youth Homelessnessness
- LGBTQ Inclusive Sex Education Laws
- LGBTQ Inclusive Juvenile Justice Policies
- Inequality in Age of Consent for Same-Sex Couples
- School Laws that Penalize LGBTQ
- Laws that Prohibit Enumeration in Anti-Bullying Policies
- Laws that Restrict Inclusion of LGBTQ Topics in Schools

HEALTH & SAFETY
- LGBTQ Non-Discrimination Protections in ACA Exchanges
- Ban on Insurance Exclusions for Trans Health Care
- Transgender Healthcare Inclusion in State Medicaid
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- Gender Marker Change on Identification Documents
  - Driver’s Licenses
  - Birth Certificates
- Health Data Collection
  - BRFSS
  - YRBS
- Gender Neutral Single Occupancy Restrooms
- Sodomy Laws
- HIV/AIDS Criminalization Laws
- Laws Prohibiting Transgender People from Receiving Appropriate ID
- Transgender Exclusions in State Medicaid

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

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

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ALASKA

HIGH PRIORITY TO ACHIEVE BASIC EQUALITY
ANNUAL PROGRESS

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ANNUAL PROGRESS

GOOD BILLS INTRODUCED | BAD BILLS INTRODUCED | GOOD LAWS PASSED

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ARIZONA
HIGH PRIORITY TO ACHIEVE BASIC EQUALITY

SCORECARD | STATE
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Non-Discrimination Laws

Employment
Housing
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Insurance
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LGBTQ Protections
Required Reporting

Hate Crime Laws

LGBTQ Protections

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

ANNUAL PROGRESS

- Good Bills Introduced
- Bad Bills Introduced
- Good Laws Passed (Cumulative)

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### Non-Discrimination Laws

<table>
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<tr>
<td>Employment</td>
<td>No statewide law or policy</td>
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<tr>
<td>Housing</td>
<td>Statewide law or policy present</td>
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<tr>
<td>Public Accommodations</td>
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<tr>
<td>Education</td>
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<td>Adoption</td>
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<td>Foster Care</td>
<td>No statewide law or policy for adoption only</td>
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<td>Insurance</td>
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<td>Credit</td>
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<tr>
<td>Jury Selection</td>
<td>Good law passed</td>
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<tr>
<td>Non-Discrimination Policy for State Employees</td>
<td>Good law passed</td>
</tr>
<tr>
<td>State Religious Freedom Restoration Acts</td>
<td>Good law passed</td>
</tr>
<tr>
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<td>De Facto Parent Recognition</td>
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<td>Prohibition of Surrogacy</td>
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<td>Laws Permitting Discrimination in Adoption/Foster Placement</td>
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<tr>
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<tbody>
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### Youth Laws

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<td>Anti-Bullying Laws</td>
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<td>• Enumerated Categories in Law</td>
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<tr>
<td>• Enumerated Model Policy</td>
<td>Good law passed</td>
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<tr>
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<td>Good law passed</td>
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<tr>
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<tr>
<td>Laws that Restrict Inclusion of LGBTQ Topics in Schools</td>
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<tr>
<td>Health Data Collection</td>
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<tr>
<td>• BRFSS</td>
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<tr>
<td>• YRBS</td>
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**FOR MORE INFORMATION ABOUT CRITERIA OR THE SEI SCORING SYSTEM, PLEASE REFER TO PAGE 28 OR VISIT HRC.ORG/SEI FOR FEEDBACK REGARDING A PARTICULAR STATE’S SCORECARD, PLEASE EMAIL SEI@HRC.ORG.**
SOLIDIFYING EQUALITY

NON-DISCRIMINATION LAWS
- Employment
- Housing
- Public Accommodations
- Education
- Adoption
- Foster Care
- Insurance
- Credit
- Jury Selection
- Non-Discrimination Policy for State Employees
- State Religious Freedom Restoration Acts
- Restrictions on Municipal Protections
- Religious Exemptions for Professional Training/Practice

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

HATE CRIME LAWS
- LGBTQ Protections
- Required Reporting

ANNUAL PROGRESS

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

HEALTH & SAFETY
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- Transgender Healthcare Inclusion in State Medicaid
- Trans Inclusive Health Benefits for State Employees
- Gender Marker Change on Identification Documents
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  - Birth Certificates
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  - BRFSS
  - YRBS
- Gender Neutral Single Occupancy Restrooms
- Sodomy Laws
- HIV/AIDS Criminalization Laws
- Laws Prohibiting Transgender People from Receiving Appropriate ID
- Transgender Exclusions in State Medicaid

DELAWARE

FOR MORE INFORMATION ABOUT CRITERIA OR THE SEI SCORING SYSTEM, PLEASE REFER TO PAGE 28 OR VISIT HRC.ORG/SEI. FOR FEEDBACK REGARDING A PARTICULAR STATE’S SCORECARD, PLEASE EMAIL SEI@HRC.ORG.
## NON-DISCRIMINATION LAWS

<table>
<thead>
<tr>
<th>Area</th>
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<tr>
<td>Consent to Inseminate</td>
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<td>De Facto Parent Recognition</td>
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<td>Prohibition of Surrogacy</td>
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<td>Laws Permitting Discrimination in Adoption/Foster Placement</td>
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## YOUTH LAWS

<table>
<thead>
<tr>
<th>Area</th>
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<tr>
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<tr>
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<tr>
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<tr>
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<tr>
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## ANNUAL PROGRESS

### GOOD BILLS INTRODUCED

- 3 (2004)
- 6 (2005)
- 9 (2006)
- 5 (2007)
- 6 (2008)
- 4 (2009)
- 4 (2010)
- 4 (2011)
- 3 (2012)
- 7 (2013)
- 7 (2014)
- 25 (2015)

### BAD BILLS INTRODUCED

- 0 (2004)
- 0 (2005)
- 0 (2006)
- 0 (2007)
- 0 (2008)
- 0 (2009)
- 0 (2010)
- 0 (2011)
- 0 (2012)
- 0 (2013)
- 0 (2014)
- 0 (2015)

### GOOD LAWS PASSED

- 25 (2015)
## Non-Discrimination Laws

- Employment
- Housing
- Public Accommodations
- Education
- Adoption
- Foster Care
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For more information about criteria or the SEI scoring system, please refer to page 28 or visit HRC.ORG/SEI. For feedback regarding a particular state's scorecard, please email SEI@HRC.ORG.
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- No statewide law or policy
- Statewide law or policy present
- Statewide law or policy for sexual orientation only
- Statewide law or policy for gender identity only
- Not Applicable
- Statewide law or policy for both sexual orientation and gender identity
**BUILDING EQUALITY**

**NON-DISCRIMINATION LAWS**
- Employment
- Housing
- Public Accommodations
- Education
- Adoption
- Foster Care
- Insurance
- Credit
- Jury Selection
- Non-Discrimination Policy for State Employees
- State Religious Freedom Restoration Acts
- Restrictions on Municipal Protections
- Religious Exemptions for Professional Training/Practice

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**HATE CRIME LAWS**
- LGBTQ Protections
- Required Reporting

**YOUTH LAWS**
- Anti-Bullying Laws
  - Enumerated Categories in Law
  - Enumerated Model Policy
  - Alternative Discipline
  - Cyberbullying
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**ANNUAL PROGRESS**

![Graph showing annual progress](image-url)

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**IDAHO**

**HIGH PRIORITY TO ACHIEVE BASIC EQUALITY**

**SCORECARD | STATE**

**HRC.ORG/SEI**

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**NOTES**

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- Statewide law or policy for sexual orientation only
- Statewide law or policy for gender identity only
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ILLINOIS
WORKING TOWARD INNOVATIVE EQUALITY

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Housing
Public Accommodations
Education
Adoption
Foster Care
Insurance
Credit
Jury Selection
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HATE CRIME LAWS

LGBTQ Protections
Required Reporting

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

ANNUAL PROGRESS

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SOLIDIFYING EQUALITY

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HATE CRIME LAWS

LGBTQ Protections
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### Annual Progress

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<table>
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<th>Year</th>
<th>Statewide Law or Policy</th>
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<th>Statewide Law or Policy for Gender Identity Only</th>
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MAINE
SOLIDIFYING EQUALITY

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BUILDING EQUALITY

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- Transgender Exclusions in State Medicaid

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NON-DISCRIMINATION LAWS

- Employment
- Housing
- Public Accommodations
- Education
- Adoption
- Foster Care
- Insurance
- Credit
- Jury Selection
- Non-Discrimination Policy for State Employees
- State Religious Freedom Restoration Acts
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- GOOD BILLS INTRODUCED
- BAD BILLS INTRODUCED
- GOOD LAWS PASSED (CUMULATIVE)

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- No statewide law or policy
- Statewide law or policy for sexual orientation only
- Statewide law or policy for gender identity only
- Statewide law or policy for both sexual orientation and gender identity
- Not Applicable
NON-DISCRIMINATION LAWS

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- Public Accommodations
- Education
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MICHIGAN
HIGH PRIORITY TO ACHIEVE BASIC EQUALITY

SCORECARD | STATE
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<tr>
<th>Category</th>
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<td>Credit</td>
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<td>Jury Selection</td>
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<td>Non-Discrimination Policy for State Employees</td>
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<td>State Religious Freedom Restoration Acts</td>
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<td>Restrictions on Municipal Protections</td>
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<td>Religious Exemptions for Professional Training/Practice</td>
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<td>De Facto Parent Recognition</td>
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<td>Prohibition of Surrogacy</td>
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<td>Laws Permitting Discrimination in Adoption/Foster Placement</td>
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### Annual Progress

#### Good Bills Introduced

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#### Good Laws Passed (Cumulative)

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### Youths Laws

#### Anti-Bullying Laws

- Enumerated Categories in Law
- Enumerated Model Policy
- Alternative Discipline
- Cyberbullying

#### School Suicide Prevention Policies Required

- Transgender Inclusion in Sports
- Protection from Conversion Therapy
- Laws to Address LGBTQ Youth Homelessness
- LGBTQ Inclusive Sex Education Laws
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#### Inequality in Age of Consent for Same-Sex Couples

- School Laws that Criminalize Youth
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### Health & Safety

#### LGBTQ Non-Discrimination Protections in ACA Exchanges

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### Hate Crime Laws

#### LGBTQ Protections

- Required Reporting

#### Additional Laws

- Non-Discrimination Policy for State Employees
- State Religious Freedom Restoration Acts
- Restrictions on Municipal Protections
- Religious Exemptions for Professional Training/Practice

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**For More Information About Criteria or the SEI Scoring System, Please Refer to Page 28 or Visit HRC.ORG/SEI. For Feedback Regarding a Particular State’s Scorecard, Please Email SEI@HRC.ORG.**
ANNUAL PROGRESS

NON-DISCRIMINATION LAWS
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MISSOURI
HIGH PRIORITY TO ACHIEVE BASIC EQUALITY

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MISSOURI

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### NEVADA

**SOLIDIFYING EQUALITY**

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**BAD BILLS INTRODUCED**

**GOOD LAWS PASSED**

- 25
- 20
- 15
- 10
- 5
- 0

For more information about criteria or the SEI scoring system, please refer to page 28 or visit [HRC.ORG/SEI](http://HRC.ORG/SEI). For feedback regarding a particular state’s scorecard, please email [SEI@HRC.ORG](mailto:SEI@HRC.ORG).

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

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### HATE CRIME LAWS
- LGBTQ Protections
- Required Reporting

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**NEW HAMPSHIRE**  
BUILDING EQUALITY

### NON-DISCRIMINATION LAWS
- Employment
- Housing
- Public Accommodations
- Education
- Adoption
- Foster Care
- Insurance
- Credit
- Jury Selection
- Non-Discrimination Policy for State Employees
- State Religious Freedom Restoration Acts
- Restrictions on Municipal Protections
- Religious Exemptions for Professional Training/Practice

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

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

### HEALTH & SAFETY
- LGBTQ Non-Discrimination Protections in ACA Exchanges
- Ban on Insurance Exclusions for Trans Health Care
- Transgender Healthcare Inclusion in State Medicaid
- Trans Inclusive Health Benefits for State Employees
- Gender Marker Change on Identification Documents
  - Driver’s Licenses
  - Birth Certificates
- Health Data Collection
  - BRFSS
  - YRBS
- Gender Neutral Single Occupancy Restrooms
- Sodomy Laws
- HIV/AIDS Criminalization Laws
- Laws Prohibiting Transgender People from Receiving Appropriate ID
- Transgender Exclusions in State Medicaid

### HATE CRIME LAWS
- LGBTQ Protections
- Required Reporting

### ANNUAL PROGRESS

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

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

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- Not Applicable
NEW JERSEY
SOLIDIFYING EQUALITY

NON-DISCRIMINATION LAWS

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PARENTING LAWS

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HATE CRIME LAWS

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YOUTH LAWS

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HEALTH & SAFETY

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NEW MEXICO
BUILDING EQUALITY

NON-DISCRIMINATION LAWS
- Employment
- Housing
- Public Accommodations
- Education
- Adoption
- Foster Care
- Insurance
- Credit
- Jury Selection
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ANNUAL PROGRESS
GOOD BILLS INTRODUCED | BAD BILLS INTRODUCED | GOOD LAWS PASSED
(CUMULATIVE)

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GOOD BILLS INTRODUCED
04 06 07 08 09 10 11 12 13 14 15 16
0 1 2 3 4 5 6 7 8 9 10 11
## Working Toward Innovative Equality

### Non-Discrimination Laws

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### Parenting Laws

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### Health & Safety

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### Annual Progress

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### NON-DISCRIMINATION LAWS

- Employment
- Housing
- Public Accommodations
- Education
- Adoption
- Foster Care
- Insurance
- Credit
- Jury Selection
- Non-Discrimination Policy for State Employees
- State Religious Freedom Restoration Acts
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- No statewide law or policy
- Statewide law or policy for sexual orientation only
- Statewide law or policy for gender identity only
- Statewide law or policy for both sexual orientation and gender identity
- Not Applicable
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ANNUAL PROGRESS

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

OHIO

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ANNUAL PROGRESS

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

### Working Toward Innovative Equality

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#### Health & Safety

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- LGBTQ Non-Discrimination Protections in ACA Exchanges
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  - BRFSS
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ANNUAL PROGRESS

- GOOD BILLS INTRODUCED
- BAD BILLS INTRODUCED
- GOOD LAWS PASSED

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## NON-DISCRIMINATION LAWS

<table>
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## PARENTING LAWS

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Employment
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HATE CRIME LAWS

LGBTQ Protections
Required Reporting

YOUTH LAWS

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### ANNUAL PROGRESS

**GOOD BILLS INTRODUCED** | **BAD BILLS INTRODUCED** | **GOOD LAWS PASSED** (CUMULATIVE)
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UTAH
BUILDING EQUALITY

NON-DISCRIMINATION LAWS
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VERMONT
WORKING TOWARD INNOVATIVE EQUALITY

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134 | HRC.ORG/SEI
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• YRBS

Gender Neutral Single Occupancy Restrooms
Sodomy Laws
HIV/AIDS Criminalization Laws
Laws Prohibiting Transgender People from Receiving Appropriate ID
Transgender Exclusions in State Medicaid

ANNUAL PROGRESS

GOOD BILL INTRODUCED  BAD BILL INTRODUCED  GOOD LAWS PASSED

VIRGINIA

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

**GOOD LAWS PASSED**

<table>
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Housing
Public Accommodations
Education
Adoption
Foster Care
Insurance
Credit
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LGBTQ Protections
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GOOD BILLS INTRODUCED | BAD BILLS INTRODUCED | GOOD LAWS PASSED

WEST VIRGINIA
HIGH PRIORITY TO ACHIEVE BASIC EQUALITY
# Wisconsin Scorecard

## Building Equality

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ANNUAL PROGRESS

GOOD BILLS INTRODUCED | BAD BILLS INTRODUCED | GOOD LAWS PASSED

(WYOMING)
The legal landscape for LGBTQ equality has shifted rapidly in the past few years.

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

The rise in religious refusal bills that have become law calls for greater attention from LGBTQ advocates. Future editions of the SEI will recognize various laws that fall in this category.

We will consider other changes to the SEI scorecard based on developments in state law over the next year. As a general matter, we will not include an item on the SEI scorecard unless at least one state has passed a law or policy that qualifies under criteria for an item.

Potential new criteria for future editions may include:

**POSITIVE**
- LGBTQ cultural competency training requirements for various types of professionals (doctors, mental health professionals, etc.)
- Non-discrimination protections at colleges and universities
- Proper gender and name requirements on death certificates for transgender people
- Elimination of bias rage or panic defense for criminal acts

**NEGATIVE**
- Laws that restrict access to supportive student groups in public schools
- Laws that allow government officials or businesses to refuse to recognize legal marriages
- First Amendment Defence Act and other religious refusal laws

**CHANGES**

Future editions of the SEI will recognize various laws that fall in this category.

**SCORECARD**

| HRC.ORG/SEI |

**ACKNOWLEDGMENTS**

We’d also like to thank Bob Villaflor, Soung Wiser, and Caroline Brickle for the expertise in designing an innovative, stunning and informative report.

Emily Roberts provided her skills and knowledge in all things digital for the launch, and ensured this report, plus all state scorecards, are available on the web at hrc.org/sei.

**THE EQUALITY FEDERATION INSTITUTE**

It has been our great pleasure to work in partnership with the Equality Federation Institute on this report. Members of the Equality Federation strive each day to achieve the equality measures that this report indexes, bringing state policy and advocacy expertise, grassroots organizing, local experience to the fight for LGBTQ equality. The State Index Equality, and indeed, the tremendous gains in LGBTQ equality at the state level, would not be possible without their effort and relentless commitment. We particularly want to thank Andy Garcia for his support and advisement.

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

**ADDITIONAL REVIEWERS**

Additional attorneys provided their expertise and research to make this year’s project complete. Again, we would like to thank Cooley LLP for lending extra hands. Without their support, this year’s report would not have come to fruition.

We look forward to working with you again for SEI 2017.

**ABOUT THE AUTHORS**

Sarah Warbelow is the Legal Director at the Human Rights Campaign, leading HRC’s team of lawyers and fellows focused on federal, state, and municipal policy. She also coordinates HRC’s advocacy efforts as amicus curiae (“friend of the court”) in litigation affecting the lesbian, gay, bisexual, transgender and queer community. She received her bachelor’s degrees in social relations and women’s studies from Michigan State University and her master’s of public policy and law degree from the University of Michigan. Warbelow is admitted to the bar of Michigan.

Breanna Diaz joined the SEI team this year and we are thrilled to have her. She serves as legislative counsel at the Human Rights Campaign, focusing on federal and state advocacy. She also handles issues concerning LGBTQ youth, criminal justice and immigration. Breanna received her bachelor’s degree in political science from Southern Methodist University and her law degree from American University, Washington College of Law.

**THE SEI TEAM**

This year’s publication was truly a team effort. The SEI involves a significant quantity of research and outreach in order to ensure the accuracy and utility of our state scorecards. Collen Kutney’s diligence, experience, and flexibility ensure that this report became the beautiful, precise tool it is today. We thank Alex Favela for compiling all of the state legislative research.

A significant portion of the research for the SEI was conducted by HRC’s 2016 McCleary law fellows; Shana Emile, Gaby Wilson, James Shygelski, Melissa Wasser and Charles Fletcher. We thank them for their meticulous research and their helpful insight into assessment of state law.

Our talented communications team, including Liz Halloran, Sarah McIlvride, Allison Tumer and Adamma Izuegbunam, told the story of LGBTQ equality at the state level all year long, but particularly during the launch of this report.
The State Equality Index would not have been possible without the valuable contributions made by state advocates. A particular thanks therefore goes out to the following:

Though the LGBTQ community will be under attack in the coming year, the success of advocates in defeating the overwhelming majority of anti-LGBTQ bills in 2016 presents a hopeful outlook for 2017.

While the outcome of the 2016 election year presents significant challenges, the unwavering passion and determination of state and local advocates across the country will undoubtedly persevere.

We look forward to continuing our partnership with state advocates as we continue the march toward full equality for LGBTQ Americans.