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# 2020 LEGISLATIVE PREVIEW

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

## **MOMENTUM ON CONVERSION THERAPY AND NON-DISCRIMINATION.**

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

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



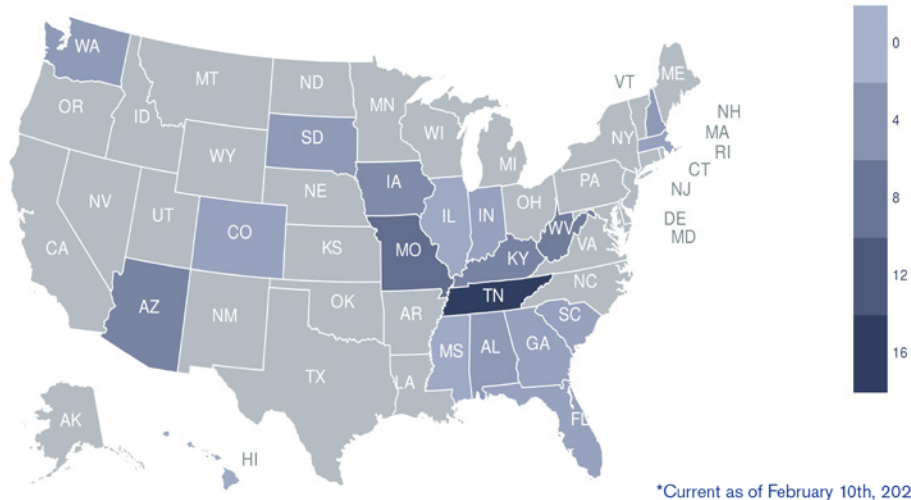
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## TARGETING OF YOUTH CONTINUES WITH RENEWED ATTACKS ON TRANSGENDER YOUTH.

However, it is clear that opponents of equality have not given up on trying to undermine or prevent protections for LGBTQ people, and that in fact they've doubled down in particular on legislation targeting transgender children. Bills preventing transgender student-athletes from participating in athletics consistent with their gender identity are proliferating, as are bills that would impose criminal penalties on doctors or parents who support a transgender child. This resurgence is reminiscent of the attacks on transgender children that took the country by storm in 2016 only to fizzle as the anti-transgender animus propelling them became clear.

These bills — as did the bathroom bills before them — don't address an actual problem. Instead — as they did with the bathroom bills before them — the proponents of these bills are using scare tactics to demonize transgender children and the adults who love and support them. In South Dakota, the same legislator who has put forward piece after piece of anti-transgender legislation year after year has this year claimed responsibility for bills across the country like his HB 1057, which would deny transgender children the benefit of best-practice medical care and impose criminal penalties on doctors who provide it. Similar bills in other states would classify parents who support their child's transition as child abusers. Bills in other states attempt to prevent transgender children from participating in school athletics, again predicated on fear and feeding upon misunderstanding of what transition means for children. These bills are unconscionable and a deeply unfortunate trend rearing its head in 2020.

### ANTI-TRANS LEGISLATION IN 2020



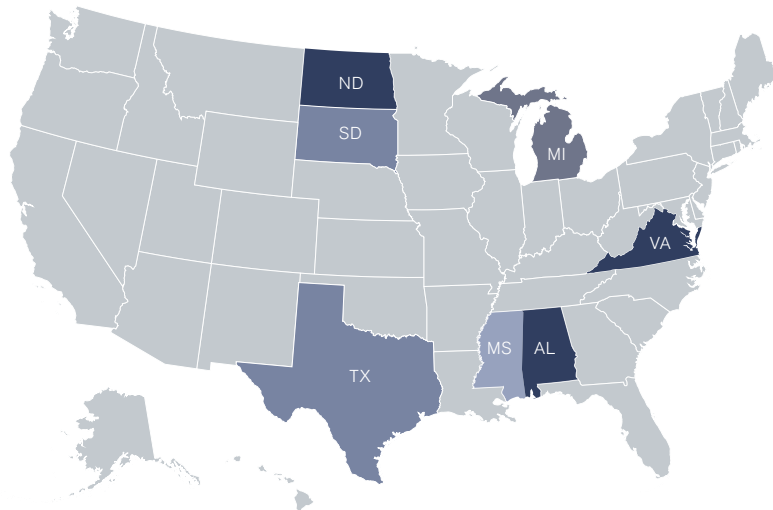
Tennessee passing the license to discriminate in child welfare services bill on their first day back is consistent with a larger trend in anti-LGBTQ legislation over the past few years, which has been to push for bills that allow narrower, more targeted types of discrimination — such as licenses to discriminate in the provision of child welfare services.

We expect that anti-LGBTQ lawmakers in many states will continue to introduce and advance this type of bill that aims to allow individuals and businesses to discriminate against LGBTQ people based on religious or moral objections in specific sectors, like education, adoption and foster care services.



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## STATES WITH A LAW CREATING A LICENSE TO DISCRIMINATE IN CHILD WELFARE SERVICES



Allows agencies to discriminate against potential parents



Allows agencies to refuse to work with potential parents and children



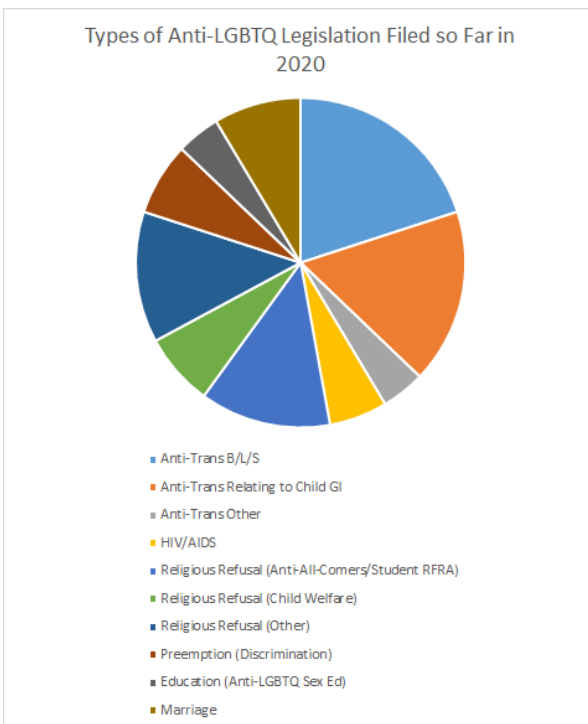
Allows agencies to refuse to work with potential parents and children and allows agencies to deny children services to which the agency objects



Allows sweeping anti-LGBTQ discrimination that includes allowing agencies to refuse to work with potential parents and children and allows agencies to deny children services to which the agency objects, including refusing to allow transgender people access to sex-segregated facilities consistent with their gender identity.

We also anticipate continuing to see preemption bills that attempt to reduce the power of cities and towns to protect their LGBTQ residents and visitors from discrimination,

with the potential to eliminate or gut existing local non-discrimination protections for millions of people.



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