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State Nondiscrimination Laws: Employment

No updates required since March 6, 2023

NOTE:

As a result of a June 2020 U.S. Supreme Court ruling in [Bostock v. Clayton County, Georgia](#), employment discrimination based on sexual orientation or gender identity is illegal under Title VII of the federal Civil Rights Act. As a result of this ruling, LGBTQ people across the country can continue to file complaints with the federal Equal Employment Opportunity Commission (EEOC) and seek recourse for discrimination in the workplace through federal courts. However, some states also have explicit laws against employment discrimination based on sexual orientation and/or gender identity, and these are reported below. These state laws remain important so that LGBTQ people are protected against discrimination at every level of government, and because they are often passed alongside additional protections not yet enshrined in federal law, such as protections against discrimination in public places.

Alabama

- State employment nondiscrimination law does not enumerate sexual orientation or gender identity, though federal law offers protections (see note)

Alaska

- State agency explicitly interprets existing protections against discrimination based on sex to include both sexual orientation and gender identity
- See [Alaska State Commission for Human Rights](#) (Dec 2020), including agency social media [posts](#)
 - The state agency initially interpreted sex to include sexual orientation and gender identity for employment, housing, public accommodations, credit/lending, and government agencies/practices. However, under pressure from conservative interest groups amid the 2022 election season, the agency rescinded its interpretation for all areas except for employment, which was explicitly covered by the U.S. Supreme Court ruling in *Bostock* (see above). See [this coverage](#) for more details about this reversal, and see also the agency's August 2022 [social media post](#) announcing the change.

Arizona

- State attorney general explicitly interprets existing protections against discrimination based on sex to include both sexual orientation and gender identity
- See Arizona Attorney General's court filing in [Bruer vs. The State of Arizona](#) (2020).

Arkansas

- State employment nondiscrimination law does not enumerate sexual orientation or gender identity, though federal law offers protections (see note)
- State has law preventing passage or enforcement of local nondiscrimination laws. See [Ark. Code Ann. §14-1-403](#) (2015).



California

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [Cal. Code § 12940](#). Amended to include sexual orientation in 1992 (and strengthened in 1999, effective 1/1/2000, by [AB 1001](#)). Amended to include gender identity in 2003 ([AB 196](#)).

Colorado

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [CRS §24-34-402](#). Amended to include sexual orientation (defined to include “transgender status,” see [CRS §24-34-301](#)) in 2007 ([SB 07-025](#)).

Connecticut

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [CGS Ch. 814c §46a-60](#). Amended to include sexual orientation in 1991 ([HB 7133](#)) and to include gender identity in 2011 ([HB 6599](#)).

Delaware

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [SB 121](#) (2009) for sexual orientation and [SB 97](#) (2013) for gender identity.

District of Columbia

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [D.C. Code § 2-1402.11](#). Passed, including sexual orientation, in 1973. Re-adopted as the D.C. Human Rights Act in 1977. Amended to include gender identity in 2006 ([Law 16-58](#)).

Florida

- State agency explicitly interprets existing protections against discrimination based on sex to include both sexual orientation and gender identity
- See [Florida Commission on Human Rights](#) (2020), including Section 5 of the [intake questionnaire for employment discrimination complaints](#)

Georgia

- State has no employment nondiscrimination law, though federal law offers protections (see note)

Hawai`i

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [HRS §378-2](#), amended to include sexual orientation in 1991 and to include gender identity in 2011 ([HB 546](#)).

Idaho

- State employment nondiscrimination law does not enumerate sexual orientation or gender identity, though federal law offers protections (see note)



Illinois

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [775 ILCS 5/1-102](#) (signed into law 2005, effective 2006)

Indiana

- State employment nondiscrimination law does not enumerate sexual orientation or gender identity, though federal law offers protections (see note)

Iowa

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [Iowa Code §216.86](#) and [216.6a](#). See [SF 427](#) (2007) adding sexual orientation and gender identity, and see [SF 137](#) (2009) adding wage discrimination.

Kansas

- State agency explicitly interprets existing protections against discrimination based on sex to include both sexual orientation and gender identity
- See Kansas Human Rights Commission's [Statement on Bostock](#) (2020).

Kentucky

- State agency explicitly interprets existing protections against discrimination based on sex to include both sexual orientation and gender identity
- See [Kentucky Commission on Human Rights](#) (2021)

Louisiana

- State employment nondiscrimination law does not enumerate sexual orientation or gender identity, though federal law offers protections (see note)

Maine

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [Me. Rev. Stat. tit. 5, §4571](#) and [§4572](#) (2005).

Maryland

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [S.B. 212](#) (2001 for sexual orientation protection and 2014 for gender identity protection)

Massachusetts

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [Mass. Gen. Laws, chapter 151B, § 4](#), amended to include sexual orientation in 1989 and amended to include gender identity in 2011.



Michigan

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [SB4](#) (2023), as well as the Michigan Supreme Court's decision in [Rouch World LLC v. Department of Civil Rights](#) (July 2022).
- Formerly, state agency explicitly interpreted existing protections against discrimination based on sex to include both sexual orientation and gender identity. See Michigan Civil Rights Commission's [Interpretive Statement](#) (2018).

Minnesota

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [Minn. Stat. § 363A.08](#) (1993). Gender identity covered in definition of sexual orientation.

Mississippi

- State has no employment nondiscrimination law, though federal law offers protections (see note)

Missouri

- State employment nondiscrimination law does not enumerate sexual orientation or gender identity, though federal law offers protections (see note)

Montana

- State employment nondiscrimination law does not enumerate sexual orientation or gender identity, though federal law offers protections (see note)

Nebraska

- State agency explicitly interprets existing protections against discrimination based on sex to include both sexual orientation and gender identity
- See Nebraska Equal Opportunity Commission's [statement](#) (2020).

Nevada

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [A.B. 311](#) (1999) and [A.B. 211](#) (2011).

New Hampshire

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [HB 421](#) (1997) for sexual orientation and [HB 1319](#) (2018) for gender identity

New Jersey

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [N.J. Stat. § 10:5-4](#), and [10:5-12](#) amended to include sexual orientation in 1992 and amended to include gender identity in 2007



New Mexico

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [H.B. 314](#) (2003)

New York

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [SB 720](#) (2002) for sexual orientation and [SB 1047](#) (2019) for gender identity
- Prior to 2019, the [New York Code of Rules and Regulations §466](#) prohibited gender identity discrimination, via executive order (2015).

North Carolina

- State employment nondiscrimination law does not enumerate sexual orientation or gender identity, though federal law offers protections (see note)
- Previously, state law prevented passage or enforcement of local nondiscrimination laws. See [HB 2](#) (2016) and [HB 142](#) (2017). The part of HB 142 that preempted local ordinances expired on December 1, 2020.

North Dakota

- State agency explicitly interprets existing protections against discrimination based on sex to include both sexual orientation and gender identity
- See [North Dakota Department of Labor and Human Rights statement](#) (2020)

Ohio

- State agency explicitly interprets existing protections against discrimination based on sex to include both sexual orientation and gender identity
- See [Ohio Civil Rights Commission](#) (2021)

Oklahoma

- State employment nondiscrimination law does not enumerate sexual orientation or gender identity, though federal law offers protections (see note)

Oregon

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [S.B. 2](#) (2007).

Pennsylvania

- State agency explicitly interprets existing protections against discrimination based on sex to include both sexual orientation and gender identity
- See Pennsylvania's Human Relations Commission's [Guidance on Discrimination on the Basis of Sex Under the Pennsylvania Human Relations Act \(PHRA\)](#) (2018).



Rhode Island

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [Rhode Island Stat. § 28-5-7](#), amended in 1995 to include sexual orientation and in 2001 to include gender identity.

South Carolina

- State employment nondiscrimination law does not enumerate sexual orientation or gender identity, though federal law offers protections (see note)

South Dakota

- State employment nondiscrimination law does not enumerate sexual orientation or gender identity, though federal law offers protections (see note)

Tennessee

- State employment nondiscrimination law does not enumerate sexual orientation or gender identity, though federal law offers protections (see note)
- State has law preventing passage or enforcement of local nondiscrimination laws. See [Tenn. Code Ann. § 7-51-1802](#) (2011).

Texas

- Texas 5th Circuit Court of Appeals explicitly interprets existing protections against discrimination based on sex to include both sexual orientation and gender identity
- See Texas 5th Circuit Court of Appeals ruling in [Tarrant County Community College v. Sims](#) (2021).

Utah

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [S.B. 296](#) (2015).

Vermont

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [Vt. Stat. tit. 21, § 495](#), amended to include sexual orientation in 1992 and to include gender identity in 2007.

Virginia

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [SB 868](#) (2020)

Washington

- State employment nondiscrimination law covers sexual orientation and gender identity
- See [Wash. Rev. Code § 49-60-180](#) (2006).

West Virginia

- State employment nondiscrimination law does not enumerate sexual orientation or gender identity, though federal law offers protections (see note)



Wisconsin

- State employment nondiscrimination law enumerates only sexual orientation, though federal law offers protections for gender identity (see note)
- See [Wis. Stat. § 111.321](#), [§ 111.322](#), and [§ 111.36](#) (1982).

Wyoming

- State employment nondiscrimination law does not enumerate sexual orientation or gender identity, though federal law offers protections (see note)

U.S. Territories

American Samoa

- No territory-level protections against employment discrimination based on sexual orientation or gender identity.

Guam

- Territory employment nondiscrimination law covers sexual orientation and gender identity
- See [Bill 102-33](#) (2015)

Commonwealth of the Northern Mariana Islands

- No territory-level protections against employment discrimination based on sexual orientation or gender identity.

Puerto Rico

- Territory employment nondiscrimination law covers sexual orientation and gender identity
- See [Act 22](#) (2013).

U.S. Virgin Islands

- Territory employment nondiscrimination law covers sexual orientation and gender identity
- See [Bill 34-0271](#) (2023) and [10 V.I.C. § 64](#).