

METHODOLOGY/MORE INFORMATION

Key Definitions

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

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

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

Methodology

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

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

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

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

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

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

Description of Laws/Policies



Marriage and Relationship Recognition

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

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

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



Adoption and Parenting Laws

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

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

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

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



Non-Discrimination Laws

These laws protect LGBT people from discrimination.

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

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

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



Safe Schools Laws and Policies

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

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

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



Health & Safety Policies

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

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

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



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

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

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