MONTANA'S EQUALITY PROFILE

Quick Facts About Montana

<table>
<thead>
<tr>
<th>Category</th>
<th>Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent of Adults (18+) Who are LGBTQ</td>
<td>2.9% (Gallup/Williams 2019)</td>
</tr>
<tr>
<td>Total LGBTQ Population (13+)</td>
<td>30,000 (Williams 2020)</td>
</tr>
<tr>
<td>Percent of Workforce That is LGBTQ</td>
<td>3% (Census 2018; Williams 2020)</td>
</tr>
<tr>
<td>Total LGBTQ Workers</td>
<td>18,000 (Williams 2020)</td>
</tr>
<tr>
<td>Percent of LGBTQ Adults (25+) Raising Children</td>
<td>19% (Gallup/Williams 2019)</td>
</tr>
</tbody>
</table>

Montana's LGBTQ Policy Tally

- Sexual Orientation Policy Tally: 5/18.5 (FAIR)
- Gender Identity Policy Tally: 4/20 (LOW)
- Overall Tally: 9/38.5 (LOW)

MAP’s “LGBTQ Policy Tally” examines each state’s LGBTQ policy climate, as measured by over 35 pro- or anti-LGBTQ laws and policies. These laws are grouped into seven major categories: relationship and parental recognition; nondiscrimination; religious exemptions; LGBTQ youth; healthcare; criminal justice; and the ability for transgender people to correct name and gender markers on identity documents. See the state’s full profile for more detailed information.

Scores as of 09/17/2020. For full state profile, visit: [https://www.lgbtmap.org/equality_maps/profile_state/MT](https://www.lgbtmap.org/equality_maps/profile_state/MT)

Montana's LGBTQ Laws and Policies

Click on each issue for more information and to see where the state fits into the national landscape.

<table>
<thead>
<tr>
<th>Relationship and Parental Recognition</th>
<th>Sexual Orientation</th>
<th>Gender Identity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Law Exists?</td>
<td>Tally</td>
</tr>
<tr>
<td>As a result of the 2015 U.S. Supreme Court decision in Obergefell, same-sex couples can marry nationwide and states must extend all the rights and benefits of marriage to same-sex couples. As a result, the following benefits are available to all married same-sex couples on the same basis they are available to married different-sex couples:</td>
<td>✔</td>
<td>1/1</td>
</tr>
<tr>
<td>✔ Marriage for Same-Sex Couples</td>
<td></td>
<td></td>
</tr>
<tr>
<td>✔ Medical Decision-Making Authority for Married Same-Sex Couples</td>
<td></td>
<td></td>
</tr>
<tr>
<td>✔ Stepparent Adoption for Married Same-Sex Couples</td>
<td></td>
<td></td>
</tr>
<tr>
<td>✔ Joint Adoption for Married Same-Sex Couples</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second-Parent Adoption for Unmarried Couples</td>
<td>✔</td>
<td>1/1</td>
</tr>
<tr>
<td>Family Services Nondiscrimination Laws</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adoption Nondiscrimination Protections for LGBTQ Parents</td>
<td>✔</td>
<td>0.5/0.5</td>
</tr>
<tr>
<td>Foster Care Nondiscrimination Protections for LGBTQ Parents</td>
<td>✔</td>
<td>0.5/0.5</td>
</tr>
<tr>
<td>Recognition for Parents Using Assisted Reproduction</td>
<td>✔</td>
<td>0.5/1</td>
</tr>
<tr>
<td>Recognition of De Facto Parents</td>
<td>✔</td>
<td>0.5/1</td>
</tr>
<tr>
<td>State Family Leave Laws</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LGBTQ-Inclusive Definitions of Spouse/Partner</td>
<td>✗</td>
<td>0/0.5</td>
</tr>
<tr>
<td>LGBTQ-Inclusive Definitions of Children/Parents</td>
<td>✗</td>
<td>0/0.5</td>
</tr>
<tr>
<td>Subtotal</td>
<td>4/6</td>
<td>0/1</td>
</tr>
<tr>
<td>Relationship and Parental Recognition Total</td>
<td>4/7</td>
<td></td>
</tr>
</tbody>
</table>
As a result of a June 2020 U.S. Supreme Court ruling, people in all states can seek recourse for employment discrimination based on sexual orientation and gender identity through the federal Equal Employment Opportunity Commission and federal courts.

<table>
<thead>
<tr>
<th>State Nondiscrimination Laws</th>
<th>Sexual Orientation</th>
<th>Gender Identity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Law Exists?</td>
<td>Tally</td>
</tr>
<tr>
<td>Employment Nondiscrimination Laws*</td>
<td>✗</td>
<td>0/1</td>
</tr>
<tr>
<td>Housing Nondiscrimination Laws*</td>
<td>✗</td>
<td>0/1</td>
</tr>
<tr>
<td>Public Accommodations Nondiscrimination Laws*</td>
<td>✗</td>
<td>0/1</td>
</tr>
<tr>
<td>Credit and Lending Nondiscrimination Laws</td>
<td>✗</td>
<td>0/1</td>
</tr>
<tr>
<td>Nondiscrimination Policies for State Employees</td>
<td>✔</td>
<td>0.5/0.5</td>
</tr>
<tr>
<td><strong>Negative Law: State Bans Cities and Counties from Passing Nondiscrimination Laws</strong></td>
<td>No Negative Law</td>
<td>0/-1</td>
</tr>
</tbody>
</table>

**Subtotal** 0.5/4.5 0.5/4.5

**Nondiscrimination Total** 1/9

If state lacks statewide law, tally looks at local Nondiscrimination ordinances in employment, housing, and public accommodations and provides partial points based on percent of LGBTQ population covered by local laws.

<table>
<thead>
<tr>
<th>Religious Exemption Laws</th>
<th>Sexual Orientation</th>
<th>Gender Identity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Law Exists?</td>
<td>Tally</td>
</tr>
<tr>
<td><strong>Negative Law: Broad &quot;RFRA&quot; or Religious Exemption Law</strong></td>
<td>No Negative Law</td>
<td>0/-0.5</td>
</tr>
<tr>
<td><strong>Negative Law: Targeted Religious Exemption for Child Welfare Services</strong></td>
<td>No Negative Law</td>
<td>0/-1</td>
</tr>
<tr>
<td><strong>Negative Law: Targeted Religious Exemption for Medical Professionals</strong></td>
<td>No Negative Law</td>
<td>0/-1</td>
</tr>
<tr>
<td><strong>Negative Law: Targeted Wedding Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Wedding Services</td>
<td>No Negative Law</td>
<td>0/-0.5</td>
</tr>
<tr>
<td>State and Local Officials Providing Marriage Licenses</td>
<td>No Negative Law</td>
<td>0/-0.5</td>
</tr>
</tbody>
</table>

**Subtotal** 0/-3.5 0/-2.5

**Religious Exemption Laws Total** 0/-6

Scores as of 09/17/2020
### LGBTQ Youth Laws and Policies

<table>
<thead>
<tr>
<th>Policy Description</th>
<th>Sexual Orientation</th>
<th>Gender Identity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nondiscrimination Laws and Policies Covering LGBTQ Students</strong></td>
<td>✗ 0/1</td>
<td>✗ 0/1</td>
</tr>
<tr>
<td><strong>Anti-Bullying Laws and Policies Covering LGBTQ Students</strong></td>
<td>✗ 0/1</td>
<td>✗ 0/1</td>
</tr>
<tr>
<td><strong>Negative Law:</strong> “Don’t Say Gay” Law Barring or Explicitly Restricting Educators From Discussing LGBTQ People or Issues in Schools</td>
<td>No Negative Law 0/-1</td>
<td>No Negative Law 0/-1</td>
</tr>
<tr>
<td><strong>Negative Law:</strong> Laws Banning Local Schools and Districts from Passing LGBTQ Nondiscrimination and/or Anti-Bullying Policies</td>
<td>No Negative Law 0/-1</td>
<td>No Negative Law 0/-1</td>
</tr>
<tr>
<td><strong>Negative Law:</strong> State Law Prevents Transgender Students from Participating in Sports Consistent With Their Gender Identity</td>
<td>— —</td>
<td>No Negative Law 0/-1</td>
</tr>
<tr>
<td><strong>Conversion Therapy Ban Covering LGBTQ Youth</strong></td>
<td>✗ 0/1</td>
<td>✗ 0/1</td>
</tr>
<tr>
<td><strong>Protections for LGBTQ Youth in the Child Welfare System</strong></td>
<td>✗ 0.5/1</td>
<td>✗ 0/1</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>0.5/4</td>
<td>0/4</td>
</tr>
<tr>
<td><strong>LGBTQ Youth Laws Total</strong></td>
<td>0.5/8</td>
<td></td>
</tr>
</tbody>
</table>
## Criminal Justice Laws and Policies

<table>
<thead>
<tr>
<th>Law Exists?</th>
<th>Tally</th>
<th>Law Exists?</th>
<th>Tally</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hate Crime Law Covering LGBTQ People</td>
<td>✗</td>
<td>0/1</td>
<td>✗</td>
</tr>
<tr>
<td>Ban on Panic Defense</td>
<td>✗</td>
<td>0/1</td>
<td>✗</td>
</tr>
</tbody>
</table>

**Negative Law: State Criminalizes Exposure to and/or Transmission of HIV**

<table>
<thead>
<tr>
<th>Law Exists?</th>
<th>Tally</th>
<th>Law Exists?</th>
<th>Tally</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEGATIVE LAW</td>
<td>-0.5/-1</td>
<td>NEGATIVE LAW</td>
<td>-0.5/-1</td>
</tr>
</tbody>
</table>

**Subtotal**

-0.5/2

**Criminal Justice Total**

-1/4

## Ability for Transgender People to Correct Name and Gender Marker on Identity Documents

<table>
<thead>
<tr>
<th>Law Exists?</th>
<th>Tally</th>
<th>Law Exists?</th>
<th>Tally</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changing Gender Marker on Driver's Licenses</td>
<td>✗</td>
<td>0/1</td>
<td>✗</td>
</tr>
<tr>
<td>Changing Gender Marker on Birth Certificates</td>
<td>✗</td>
<td>0/1</td>
<td>✗</td>
</tr>
<tr>
<td>Gender Neutral Options</td>
<td>✗</td>
<td>0/0.5</td>
<td>✗</td>
</tr>
<tr>
<td>&quot;X&quot; Option on Driver's Licenses</td>
<td>✗</td>
<td>0/0.5</td>
<td>✗</td>
</tr>
<tr>
<td>&quot;X&quot; Option on Birth Certificates</td>
<td>✗</td>
<td>0/0.5</td>
<td>✗</td>
</tr>
</tbody>
</table>

**Subtotal**

1/4

**Identity Documents Total**

1/4

## Grand Totals

<table>
<thead>
<tr>
<th>Grand Totals</th>
<th>Sexual Orientation Policy Tally</th>
<th>Gender Identity Policy Tally</th>
<th>Overall Tally</th>
</tr>
</thead>
<tbody>
<tr>
<td>Totals</td>
<td>5/18.5</td>
<td>4/20</td>
<td>9/38.5</td>
</tr>
<tr>
<td>Ratings</td>
<td>FAIR</td>
<td>LOW</td>
<td>LOW</td>
</tr>
</tbody>
</table>
Local Nondiscrimination Ordinances

**SEXUAL ORIENTATION**

1 county out of 56 has an ordinance prohibiting discrimination based on sexual orientation in private employment, housing, and public accommodations (full protections).

4 cities have an ordinance prohibiting discrimination based on sexual orientation in private employment, housing, and public accommodations (full protections).

0 municipalities, not including those listed above, have an ordinance prohibiting discrimination based on sexual orientation in private employment, housing, or public accommodations (only partial protections). See table below.

19% of the state population is protected against discrimination based on sexual orientation in private employment, housing, and public accommodations (full protections).

An additional 0% of the state population is protected against discrimination based on sexual orientation in private employment, housing, or public accommodations.

**LEGEND**

- State Protections
- County Protections
- City Protections
- No Protections
- NDOs Banned

County map only shows areas with full protections for sexual orientation (i.e., discrimination prohibited in private employment, housing, and public accommodations).

**CITY AND COUNTY NUMBERS:**

1 county out of 56 has an ordinance prohibiting discrimination based on gender identity in private employment, housing, and public accommodations (full protections).

4 cities have an ordinance prohibiting discrimination based on gender identity in private employment, housing, and public accommodations (full protections).

0 municipalities, not including those listed above, have an ordinance prohibiting discrimination based on gender identity in private employment, housing, or public accommodations (only partial protections). See table below.

19% of the state population is protected against discrimination based on gender identity in private employment, housing, and public accommodations (full protections).

An additional 0% of the state population is protected against discrimination based on gender identity in private employment, housing, or public accommodations (only partial protections).

**LEGEND**

- State Protections
- County Protections
- City Protections
- No Protections
- NDOs Banned

County map only shows areas with full protections for gender identity (i.e., discrimination prohibited in private employment, housing, and public accommodations).

**SCORES AS OF 09/17/2020**
**CITY AND COUNTY LISTING:**

<table>
<thead>
<tr>
<th></th>
<th>Fully inclusive SO/GI protections</th>
<th>Local Sexual Orientation Protections</th>
<th>Local Gender Identity Protections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Butte-Silver Bow County</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Bozeman</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Helena</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Missoula</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Whitefish</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>

- Local ordinance does not provide this protection, but county/state does
- Local ordinance provides this protection

**NOTE:** Only jurisdictions with ordinances that prohibit discrimination in private employment are listed. Other localities may have executive orders that apply to government employees and these are not listed. The level of enforcement of these ordinances may vary by jurisdiction. This information is constantly changing, and we welcome suggestions for additions or changes. For questions regarding ordinances or any other aspect of the state profile, please contact MAP at info@lgbtmap.org.

This data was collected in collaboration with the [Equality Federation](https://www.equalitynation.org) and [Montana Human Rights Network](https://www.thesunvalleycenter.org) and is maintained by MAP.
Local Conversion Therapy Ordinances

CONVERSION THERAPY BANS

LEGEND

- **State Protections**
- **County Protections**
- **City Protections**
- **No Protections**
- **NDOs Banned**

Scores as of 09/17/2020

0% of population protected