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Nondiscrimination: Defining “Sex” to Allow Discrimination Against Transgender People

No updates required since May 22, 2023

As part of a [broader, coordinated attack](#) on transgender people across the country, these newly emerging laws explicitly define “sex” throughout *all state law* to effectively allow discrimination against transgender people. These laws define sex as only male or female, typically based on a person's presumed reproductive anatomy, chromosomes, hormones, or other physical characteristics at birth. These laws also define sex as a permanent category, implying that transgender people would never be legally recognized as their gender identity under state law. These laws could have dangerous implications for transgender people when it comes to bathrooms, identity documents, and other areas of law or policy, but because these sex definition laws are often vaguely written, their actual impact remains to be seen.

Alabama

- State law does not define “sex” to allow discrimination against transgender people

Alaska

- State law does not define “sex” to allow discrimination against transgender people

Arizona

- State law does not define “sex” to allow discrimination against transgender people

Arkansas

- State law does not define “sex” to allow discrimination against transgender people

California

- State law does not define “sex” to allow discrimination against transgender people

Colorado

- State law does not define “sex” to allow discrimination against transgender people

Connecticut

- State law does not define “sex” to allow discrimination against transgender people

Delaware

- State law does not define “sex” to allow discrimination against transgender people

District of Columbia

- State law does not define “sex” to allow discrimination against transgender people



Florida

- State law does not define “sex” to allow discrimination against transgender people

Georgia

- State law does not define “sex” to allow discrimination against transgender people

Hawai`i

- State law does not define “sex” to allow discrimination against transgender people

Idaho

- State law does not define “sex” to allow discrimination against transgender people

Illinois

- State law does not define “sex” to allow discrimination against transgender people

Indiana

- State law does not define “sex” to allow discrimination against transgender people

Iowa

- State law does not define “sex” to allow discrimination against transgender people

Kansas

- State law defines “sex” throughout state law to allow discrimination against transgender people
- See [SB180](#) (April 2023; effective July 1, 2023), overriding governor’s [veto](#) (April 20)

Kentucky

- State law does not define “sex” to allow discrimination against transgender people

Louisiana

- State law does not define “sex” to allow discrimination against transgender people

Maine

- State law does not define “sex” to allow discrimination against transgender people

Maryland

- State law does not define “sex” to allow discrimination against transgender people

Massachusetts

- State law does not define “sex” to allow discrimination against transgender people

Michigan

- State law does not define “sex” to allow discrimination against transgender people



Minnesota

- State law does not define “sex” to allow discrimination against transgender people

Mississippi

- State law does not define “sex” to allow discrimination against transgender people

Missouri

- State law does not define “sex” to allow discrimination against transgender people

Montana

- State law defines “sex” throughout state law to allow discrimination against transgender people
- See [SB458](#) (May 2023; effective October 1, 2023)

Nebraska

- State law does not define “sex” to allow discrimination against transgender people

Nevada

- State law does not define “sex” to allow discrimination against transgender people

New Hampshire

- State law does not define “sex” to allow discrimination against transgender people

New Jersey

- State law does not define “sex” to allow discrimination against transgender people

New Mexico

- State law does not define “sex” to allow discrimination against transgender people

New York

- State law does not define “sex” to allow discrimination against transgender people

North Carolina

- State law does not define “sex” to allow discrimination against transgender people

North Dakota

- State law defines “sex” throughout state law to allow discrimination against transgender people
- See [HB1474](#) (May 2023; effective August 1, 2023)

Ohio

- State law does not define “sex” to allow discrimination against transgender people

Oklahoma

- State law does not define “sex” to allow discrimination against transgender people



Oregon

- State law does not define “sex” to allow discrimination against transgender people

Pennsylvania

- State law does not define “sex” to allow discrimination against transgender people

Rhode Island

- State law does not define “sex” to allow discrimination against transgender people

South Carolina

- State law does not define “sex” to allow discrimination against transgender people

South Dakota

- State law does not define “sex” to allow discrimination against transgender people

Tennessee

- State law defines “sex” throughout state law to allow discrimination against transgender people
- See [SB1440](#) (May 2023)

Texas

- State law does not define “sex” to allow discrimination against transgender people

Utah

- State law does not define “sex” to allow discrimination against transgender people

Vermont

- State law does not define “sex” to allow discrimination against transgender people

Virginia

- State law does not define “sex” to allow discrimination against transgender people

Washington

- State law does not define “sex” to allow discrimination against transgender people

West Virginia

- State law does not define “sex” to allow discrimination against transgender people

Wisconsin

- State law does not define “sex” to allow discrimination against transgender people

Wyoming

- State law does not define “sex” to allow discrimination against transgender people



U.S. Territories

American Samoa

- Territory law does not define “sex” to allow discrimination against transgender people

Guam

- Territory law does not define “sex” to allow discrimination against transgender people

Northern Mariana Islands

- Territory law does not define “sex” to allow discrimination against transgender people

Puerto Rico

- Territory law does not define “sex” to allow discrimination against transgender people

U.S. Virgin Islands

- Territory law does not define “sex” to allow discrimination against transgender people

Order of Laws

(by date of governor signature or veto override; not by effective date)

1. Kansas – [SB180](#) – April 27, 2023 (effective July 1, 2023), overriding governor’s [veto](#)
2. North Dakota – [HB1474](#) – May 8, 2023 (effective August 1, 2023)
3. Tennessee – [SB1440](#) – May 17, 2023 (effective July 1, 2023)
4. Montana – [SB458](#) – May 19, 2023 (effective October 1, 2023)