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## **Nondiscrimination: Regulating Gender to Allow Discrimination Against Transgender and Nonbinary People**

No updates required since March 17, 2025

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### **Recommended citation:**

Movement Advancement Project. “Equality Maps: Regulating Gender to Allow Discrimination.” [www.mapresearch.org/equality-maps/nondiscrimination/defining-sex](http://www.mapresearch.org/equality-maps/nondiscrimination/defining-sex). Accessed [day of access].



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## Background

As part of a [broader, coordinated attack](#) on transgender people across the country, these newly emerging laws explicitly regulate gender by defining “sex” throughout *all state law* to effectively allow discrimination against transgender people. These laws regulate and 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—and in some states, already do have—dangerous implications for transgender people when it comes to bathrooms, identity documents, and other areas of law or policy, but because these government gender regulation laws are often vaguely written, their actual impact may vary across each state.

## Equality Map & Additional Resources

- See our [Equality Map: Regulating Gender To Allow Discrimination Against Transgender People](#), which is updated and maintained in real time alongside this document.
- See MAP’s 2023 research series [Under Fire: The War on LGBTQ People in America](#), for more on the broader, coordinated attack on LGBTQ and especially transgender people across the country—including the new wave of bills seeking to regulate gender and define “sex” in discriminatory ways.



## Summary Table

Category	States	Bill	Year
<b>State <u>law</u> explicitly regulates gender to allow discrimination against transgender and nonbinary people</b> <i>(13 states)</i>	Alabama	<a href="#">SB 79</a>	2025
	Idaho	<a href="#">H 421</a>	2024
	Iowa	<a href="#">SF 418</a>	2025
	Kansas	<a href="#">SB 180</a>	2023
	Louisiana	<a href="#">HB 608</a>	2024
	Mississippi	<a href="#">SB 2753</a>	2024
	Montana	<a href="#">SB 458</a>	2023
	North Dakota	<a href="#">HB 1474</a>	2023
	Oklahoma	<a href="#">HB 1449</a>	2024
	Tennessee	<a href="#">SB 1440</a>	2023
	Utah	<a href="#">HB 257</a>	2024
	West Virginia	<a href="#">SB 456</a>	2025
	Wyoming	<a href="#">HB 32</a>	2025
<b>State <u>executive order</u> explicitly regulates gender to allow discrimination against transgender and nonbinary people</b> <i>(2 states)</i>	Indiana	<a href="#">Executive Order No. 25-36</a>	2025
	Nebraska	<a href="#">Executive Order No. 23-16</a>	2023
<b>No state law or policy explicitly regulating gender to allow discrimination against transgender or nonbinary people</b> <i>(36 states, D.C., and 5 territories)</i>	All others		



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## Chronology

### Order of Laws & Policies

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

#### 2023

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)
5. Oklahoma – [Executive Order 2023-20](#) – August 1, 2023 (effective immediately)
6. Nebraska – [Executive Order No. 23-16](#) – August 30, 2023 (effective immediately)

#### 2024

7. Utah – [HB257](#) – January 31, 2024 (effective immediately)
8. Idaho – [H421](#) – April 9, 2024 (effective July 1, 2024)
9. Mississippi – [SB2753](#) – May 13, 2024 (effective immediately)  
Oklahoma – [HB1449](#) – May 31, 2024 (effective November 1, 2024) (building on earlier executive order)
10. Louisiana – [HB608](#) – June 3, 2024 (effective Aug 1, 2024)

#### 2025

11. Alabama – [SB79](#) – February 13, 2025 (effective October 1, 2025)
12. Iowa – [SF418](#) – February 28, 2025 (effective July 1, 2025)
13. Indiana – [Executive Order No. 25-36](#) – March 4, 2025 (effective immediately)
14. West Virginia – [SB456](#) – March 12, 2025 (effective June 9, 2025)
15. Wyoming – [HB32](#) – March 14, 2025 (effective immediately), [without governor’s signature](#)

### Order of Governor Vetoes

1. Kansas – [SB180](#) – April 20, 2023 (read veto statement [here](#)) (later overridden)
2. Arizona – [SB1628](#) – April 16, 2024 (read veto statement [here](#))



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## State-by-State Sources & More Detail

### Alabama

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [SB 79](#) (2025; effective October 1, 2025)

### Alaska

- State law does not regulate gender to allow discrimination against transgender people

### Arizona

- State law does not regulate gender to allow discrimination against transgender people

### Arkansas

- State law does not regulate gender to allow discrimination against transgender people

### California

- State law does not regulate gender to allow discrimination against transgender people

### Colorado

- State law does not regulate gender to allow discrimination against transgender people

### Connecticut

- State law does not regulate gender to allow discrimination against transgender people

### Delaware

- State law does not regulate gender to allow discrimination against transgender people

### District of Columbia

- State law does not regulate gender to allow discrimination against transgender people

### Florida

- State law does not regulate gender to allow discrimination against transgender people

### Georgia

- State law does not regulate gender to allow discrimination against transgender people

### Hawai`i

- State law does not regulate gender to allow discrimination against transgender people

### Idaho

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [H 421](#) (2024; effective July 1, 2024)



#### Illinois

- State law does not regulate gender to allow discrimination against transgender people

#### Indiana

- State executive order regulates gender throughout state law to allow discrimination against transgender people
- See [Executive Order No. 25-36](#) (2025; effective immediately)

#### Iowa

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [SF 418](#) (2025; effective July 1, 2025)

#### Kansas

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [SB 180](#) (2023), overriding governor's [veto](#)

#### Kentucky

- State law does not regulate gender to allow discrimination against transgender people

#### Louisiana

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [HB 608](#) (2024)

#### Maine

- State law does not regulate gender to allow discrimination against transgender people

#### Maryland

- State law does not regulate gender to allow discrimination against transgender people

#### Massachusetts

- State law does not regulate gender to allow discrimination against transgender people

#### Michigan

- State law does not regulate gender to allow discrimination against transgender people

#### Minnesota

- State law does not regulate gender to allow discrimination against transgender people



#### Mississippi

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [SB 2753](#) (2024)

#### Missouri

- State law does not regulate gender to allow discrimination against transgender people

#### Montana

- State law regulates\* gender throughout state law to allow discrimination against transgender people
- See [SB 458](#) (2023)
- \*This law is currently blocked by court order. See [Reagor, Cloverdale, et al vs. Montana](#).

##### Lawsuit status:

- Dec 2023: lawsuit filed.
- June 2024: SB458 [ruled unconstitutional](#) and unenforceable on one count, by MT 4<sup>th</sup> Judicial District Court.
- Feb 2025: SB458 [ruled unconstitutional](#) on additional counts.

#### Nebraska

- State executive order regulates gender throughout state law to allow discrimination against transgender people
- See [Executive Order No. 23-16](#) (2023)

#### Nevada

- State law does not regulate gender to allow discrimination against transgender people

#### New Hampshire

- State law does not regulate gender to allow discrimination against transgender people

#### New Jersey

- State law does not regulate gender to allow discrimination against transgender people

#### New Mexico

- State law does not regulate gender to allow discrimination against transgender people

#### New York

- State law does not regulate gender to allow discrimination against transgender people

#### North Carolina

- State law does not regulate gender to allow discrimination against transgender people



#### North Dakota

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [HB 1474](#) (2023)

#### Ohio

- State law does not regulate gender to allow discrimination against transgender people

#### Oklahoma

- State law and executive order regulates gender throughout state law to allow discrimination against transgender people
- See [HB 1449](#) (2024) and [Executive Order 2023-20](#) (2023)

#### Oregon

- State law does not regulate gender to allow discrimination against transgender people

#### Pennsylvania

- State law does not regulate gender to allow discrimination against transgender people

#### Rhode Island

- State law does not regulate gender to allow discrimination against transgender people

#### South Carolina

- State law does not regulate gender to allow discrimination against transgender people

#### South Dakota

- State law does not regulate gender to allow discrimination against transgender people

#### Tennessee

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [SB 1440](#) (2023)

#### Texas

- State law does not regulate gender to allow discrimination against transgender people

#### Utah

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [HB 257](#) (2024)

#### Vermont

- State law does not regulate gender to allow discrimination against transgender people





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#### Virginia

- State law does not regulate gender to allow discrimination against transgender people

#### Washington

- State law does not regulate gender to allow discrimination against transgender people

#### West Virginia

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [SB 456](#) (2025)

#### Wisconsin

- State law does not regulate gender to allow discrimination against transgender people

#### Wyoming

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [HB 32](#) (2025); became law [without governor's signature](#)

### **U.S. Territories**

#### American Samoa

- Territory law does not regulate gender to allow discrimination against transgender people

#### Guam

- Territory law does not regulate gender to allow discrimination against transgender people

#### Northern Mariana Islands

- Territory law does not regulate gender to allow discrimination against transgender people

#### Puerto Rico

- Territory law does not regulate gender to allow discrimination against transgender people

#### U.S. Virgin Islands

- Territory law does not regulate gender to allow discrimination against transgender people