State Employment Nondiscrimination Laws

No updates required since December 1, 2020

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

Arizona
- State attorney general explicitly interprets existing state nondiscrimination protections based on sex to include both sexual orientation and gender identity

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

California
- State employment nondiscrimination law covers sexual orientation and gender identity
- See *Cal. Code § 12940*, amended to include sexual orientation in 1992 and to include gender identity in 2003.

Colorado
- State employment nondiscrimination law covers sexual orientation and gender identity
- See *C.R.S. 24-34-402* (2007). “Transgender status” included in definition of “sexual orientation.”
Connecticut
- State employment nondiscrimination law covers sexual orientation and gender identity

Delaware
- State employment nondiscrimination law covers sexual orientation and gender identity

District of Columbia
- State employment nondiscrimination law covers sexual orientation and gender identity
  - See D.C. Code § 2-1402.11, amended to include sexual orientation in 1977 and to include gender identity in 2006.

Florida
- State agency explicitly interprets existing sex protections to include both sexual orientation and gender identity
  - See Florida Commission on Human Rights (2020).

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

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 5/2-102 (2005).

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 (2007).
Kansas
- State agency explicitly interprets existing sex protections to include both sexual orientation and gender identity

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

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

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

Michigan
- State agency explicitly interprets existing sex protections to include both sexual orientation and gender identity

Minnesota
- State employment nondiscrimination law covers sexual orientation and gender identity

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 sex protections 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

New Hampshire
- State employment nondiscrimination law covers sexual orientation and 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 to include gender identity in 2007.

New Mexico
- State employment nondiscrimination law covers sexual orientation and gender identity

New York
- State employment nondiscrimination law covers sexual orientation and gender identity

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

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

Pennsylvania
- State agency explicitly interprets existing sex protections to include both sexual orientation and gender identity

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)

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

Utah
- State employment nondiscrimination law covers sexual orientation and gender identity
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

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
• Private employment discrimination based on sexual orientation and gender identity is prohibited (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
• Private employment discrimination based on sexual orientation and gender identity prohibited (Act 22, 2013).

U.S. Virgin Islands
• No territory-level protections against employment discrimination based on sexual orientation or gender identity.