State Nondiscrimination Laws: Employment

No updates required since April 21, 2021

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 agency explicitly interprets existing protections against discrimination based on sex to include both sexual orientation and gender identity
- See [Alaska State Commission for Human Rights](2020), including agency social media posts

Arizona
- State attorney general explicitly interprets existing protections against discrimination 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)
- State has law preventing passage or enforcement of local nondiscrimination laws. See [Ark. Code Ann. §14-1-403](2015).

California
- State employment nondiscrimination law covers sexual orientation and gender identity
- See [Cal. Code § 12940](2015). Amended to include sexual orientation in 1992 (and strengthened in 1999, effective 1/1/2000, by [AB 1001](2015)). Amended to include gender identity in 2003 ([AB 196](2015)).
Colorado
- State employment nondiscrimination law covers sexual orientation and gender identity
  - See CRS §24-34-402. Amended to include sexual orientation (defined to include “transgender status,” see CRS §24-34-301) in 2007 (SB 07-025).

Connecticut
- State employment nondiscrimination law covers sexual orientation and gender identity
  - See CGS Ch. 814c §46a-60. Amended to include sexual orientation in 1991 (HB 7133) and to include gender identity in 2011 (HB 6599).

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

District of Columbia
- State employment nondiscrimination law covers sexual orientation and gender identity

Florida
- State agency explicitly interprets existing protections against discrimination based on sex to include both sexual orientation and gender identity
  - See Florida Commission on Human Rights (2020), including Section 5 of the intake questionnaire for employment discrimination complaints

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
  - See HRS §378-2, amended to include sexual orientation in 1991 and to include gender identity in 2011 (HB 546).

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 5/1-102 (signed into law 2005, effective 2006)
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

Kansas
- State agency explicitly interprets existing protections against discrimination based on sex 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 protections against discrimination based on sex 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 protections against discrimination based on sex 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
- See HB 421 (1997) for sexual orientation and HB 1319 (2018) for 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 amended 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
- See SB 720 (2002) for sexual orientation and SB 1047 (2019) for 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 agency explicitly interprets existing protections against discrimination based on sex to include both sexual orientation and gender identity
- See North Dakota Department of Labor and Human Rights statement (2020)

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 protections against discrimination based on sex 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)
- State has law preventing passage or enforcement of local nondiscrimination laws. See *Tenn. Code Ann. § 7-51-1802* (2011).

Texas
- Texas 5th Circuit Court of Appeals explicitly interprets existing protections against discrimination based on sex to include both sexual orientation and gender identity

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

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

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

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