State Employment Nondiscrimination Laws

No updates required since August 12, 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 (2020). See Arizona Attorney General’s court filing in *Bruer vs. The State of Arizona*.

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 amended 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 amended to include gender identity in 2006.

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

Georgia
- State has no employment nondiscrimination law, though federal law offers protections (see note)

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

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 (2018). See Michigan Civil Rights Commission's Interpretive Statement.

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 amended to include gender identity in 2007.

New Mexico
• State employment nondiscrimination law covers sexual orientation and gender identity
• See H.B. 314 (2003).

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)
• State law prevents passage or enforcement of local nondiscrimination laws. See H.B 2 (2016).

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 (2018). See Pennsylvania’s Human Relations Commission’s Guidance on Discrimination on the Basis of Sex Under the Pennsylvania Human Relations Act (PHRA).

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 amended 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

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

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 (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.