State Nondiscrimination Laws:  
State Employees

No updates required since January 5, 2023

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.

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Alabama

- No state employment nondiscrimination policy enumerating 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

- Executive Order 2023-01 (2023) prohibits discrimination in state employment based on sexual orientation and gender identity
- State attorney general explicitly interprets existing statutory protections against discrimination based on sex to include both sexual orientation and gender identity. See Arizona Attorney General’s court filing in Bruer vs. The State of Arizona (2020).
- Executive Order 2003-22 (2003) prohibits discrimination in state employment based on sexual orientation only

Arkansas

- No state employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)
California
- Employment nondiscrimination law enumerates sexual orientation and gender identity

Colorado
- Employment nondiscrimination law enumerates 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
- Employment nondiscrimination law enumerates 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
- Employment nondiscrimination law enumerates sexual orientation and gender identity

District of Columbia
- Employment nondiscrimination law enumerates 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).

Georgia
- No state employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Hawai`i
- Employment nondiscrimination law enumerates 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
- No state employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)
Illinois
- Employment nondiscrimination law enumerates sexual orientation and gender identity
  - See 775 ILCS 5/1-102 (signed into law 2005, effective 2006)

Indiana
- Workplace Harassment Prevention policy (2005), resulting from a Governor’s Affirmative Action State (2005), prohibits discrimination in state employment based on sexual orientation or gender identity.

Iowa
- Employment nondiscrimination law enumerates 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. See Kansas Human Rights Commission’s Statement on Bostock (2020).
- Executive Order 07-24 (2007) prohibited discrimination in state employment based on sexual orientation and gender identity, but it was rescinded in 2015.

Kentucky
- Executive Order 2020-554 (June 2020) prohibits discrimination in state employment, contracts, and government services based on sexual orientation and gender identity

Louisiana
- No state employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Maine
- Employment nondiscrimination law enumerates sexual orientation and gender identity

Maryland
- Employment nondiscrimination law enumerates sexual orientation and gender identity
  - See S.B. 212 (2001 for sexual orientation protection and 2014 for gender identity protection)
Massachusetts
- Employment nondiscrimination law enumerates sexual orientation and gender identity
- Executive Order 526 prohibits discrimination in state employment and by state contractors based on sexual orientation and gender identity (2011).

Michigan
- Directive 2019-9 (2019) expanded protections to include all state employees (classified and unclassified); employees of all recipients of state contracts, grants, and loans; and prohibiting discrimination in state services.

Minnesota
- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See Minn. Stat. § 363A.08 (1993)

Mississippi
- No state employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Missouri
- Executive Order 10-24 (2010) prohibits discrimination in state employment based on sexual orientation only

Montana
- Executive Order No. 04-2016 (2016) prohibits discrimination in state employment and contracts based on sexual orientation and gender identity

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
- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See A.B. 311 (1999) and A.B. 211 (2011)

New Hampshire
- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See HB 421 (1997) for sexual orientation and HB 1319 (2018) for gender identity
New Jersey
- Employment nondiscrimination law enumerates 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
- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See HB314 (2003).

New York
- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See SB 720 (2002) for sexual orientation and SB 1047 (2019) for gender identity

North Carolina
- Executive Order 24 (2017) prohibits discrimination in state employment and contracts based on sexual orientation, gender identity, and gender expression

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
- Executive Order 2011-05K (2011) prohibited discrimination in state employment based on sexual orientation only. This EO was rescinded by Gov. Kasich and replaced by EO 2018-12K (protecting both sexual orientation and gender identity).

Oklahoma
- No state employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Oregon
- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See SB2 (2007).
Pennsylvania
- Executive Order 2016-04 (2016) prohibits discrimination in state employment based on sexual orientation or gender identity or expression.
- Executive Order 2016-05 (2016) prohibits discrimination by state contractors based on sexual orientation or gender identity or expression.

Rhode Island
- Employment nondiscrimination law enumerates 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
- No state employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

South Dakota
- No state employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Tennessee
- No state employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

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 enumerates sexual orientation and gender identity
- See SB296 (2015)

Vermont
- State employment nondiscrimination law enumerates sexual orientation and gender identity
- See 21 VSA §495, SB131/Public Act 135 (adding sexual orientation, 1992), and SB51/Public Act 41 (adding gender identity, 2007).

Virginia
- Formerly, Executive Order 1 (2014) prohibited discrimination in state employment based on sexual orientation or gender identity, and Executive Order 61 (2017) prohibited discrimination by state contractors based on sexual orientation or gender identity.
Washington
- State employment nondiscrimination law enumerates sexual orientation and gender identity
- See WRC §49-60-180 (2006)

West Virginia
- No state employment nondiscrimination law or policy enumerating 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. §111.321-322 and §111.36 (1982).

Wyoming
- No state employment nondiscrimination law or policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

U.S. Territories

American Samoa
- No territory employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Guam
- Territory employment nondiscrimination law enumerates sexual orientation and gender identity
- See Bill 102-33 (2015)

Commonwealth of the Northern Mariana Islands
- Discrimination by the Commonwealth government and Marianas Visitors Authority prohibited based on sexual orientation only (2013).

Puerto Rico
- Territory employment nondiscrimination law enumerates sexual orientation and gender identity
- See Act 22 (2013)

U.S. Virgin Islands
- Revised Sexual Harassment Policy (2013) prohibits discrimination in territory/government employment based on sexual orientation or gender identity.

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MAP previously relied, in part, on “A State-by-State Examination of Nondiscrimination Laws and Policies,” by Jerome Hunt, Center for American Progress Action Fund, June 2012.