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State Nondiscrimination Laws: State Employees

No updates required since August 7, 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.

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](#).
- [Administrative Order No. 195](#) (2002) prohibits discrimination in state employment based on sexual orientation.

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) prohibited 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

- State employment nondiscrimination law enumerates sexual orientation and gender identity. See [Cal. Code § 12940](#). Amended to include sexual orientation in 1992 (and strengthened in 1999, effective 1/1/2000, by [AB 1001](#)). Amended to include gender identity in 2003 ([AB 196](#)).
- [Executive Order B-54-79](#) (1979) prohibited discrimination in state employment based on sexual orientation only

Colorado

- State 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](#)).
- [Executive Order D0035-90](#) (1990) prohibited discrimination in state employment based on sexual orientation only

Connecticut

- State 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

- State employment nondiscrimination law enumerates sexual orientation and gender identity. See [SB 121](#) (2009) for sexual orientation and [SB 97](#) (2013) for gender identity.
- [Executive Order 83](#) (2000) prohibited discrimination in state employment based on sexual orientation only

District of Columbia

- State employment nondiscrimination law enumerates sexual orientation and gender identity
- See [D.C. Code § 2-1402.11](#). Passed, including sexual orientation, in 1973. Re-adopted as the D.C. Human Rights Act in 1977. Amended to include gender identity in 2006 ([Law 16-58](#)).

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

- State 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

- State employment nondiscrimination law enumerates sexual orientation and gender identity. See [775 ILCS 5/1-102](#) (signed into law 2005, effective 2006).
- An [executive order](#) issued in 1996 prohibited discrimination in state employment based on sexual orientation only

Indiana

- [Workplace Harassment Prevention](#) policy (2005), resulting from a [governor's policy statement](#) (2005), prohibits discrimination in state employment based on sexual orientation or gender identity. As recently as 2018, this policy was [reaffirmed](#).
- An [executive order](#) in 2004 prohibited discrimination in state employment based on sexual orientation and gender identity
- An [executive order](#) in 2001 prohibited discrimination in state employment based on sexual orientation only

Iowa

- State employment nondiscrimination law enumerates sexual orientation and gender identity
- See [Iowa Code §216.86](#) and [216.6a](#). See [SF 427](#) (2007) adding sexual orientation and gender identity, and see [SF 137](#) (2009) adding wage discrimination.
- [Executive Order 7](#) (1999) prohibited discrimination in state employment based on sexual orientation and gender identity, but this was struck down in 2000.

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 19-02](#) (2019) prohibits discrimination in state employment based on sexual orientation and gender identity.
- [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
- [Executive Order 2008-473](#) (2008) prohibits discrimination in state employment based on sexual orientation and gender identity.
- An [executive order](#) in 2003 prohibited discrimination in state employment based on sexual orientation and gender identity, but this was [rescinded](#) in 2006.



Louisiana

- No state employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)
- [Executive Order JBE 16-11](#) (2016) prohibited discrimination in state employment based on sexual orientation and gender identity, but it was [struck down](#) in 2017.
- [Executive Order KBB 04-54](#) (2004) prohibited discrimination in state employment based on sexual orientation, but it was [allowed to expire](#) in 2008.
- [Executive Order EWE 92-7](#) (1992) prohibited discrimination in state employment based on sexual orientation, but it was [allowed to expire](#) in 1996.

Maine

- State employment nondiscrimination law enumerates sexual orientation and gender identity
- See [Me. Rev. Stat. tit. 5, §4571](#) and [§4572](#) (2005).

Maryland

- State employment nondiscrimination law enumerates sexual orientation and gender identity
- See [S.B. 212](#) (2001 for sexual orientation protection and 2014 for gender identity protection)
- [Executive Order 01.01.1995.19](#) (1995) prohibited discrimination in state employment based on sexual orientation.

Massachusetts

- State employment nondiscrimination law enumerates sexual orientation and gender identity. See [Mass. Gen. Laws, chapter 151B, § 4](#), amended to include sexual orientation in 1989 and amended to include gender identity in 2011.
- [Executive Order 526](#) prohibits discrimination in state employment and by state contractors based on sexual orientation and gender identity (2011).

Michigan

- State employment nondiscrimination law covers sexual orientation and gender identity. See [SB4](#) (2023), as well as the Michigan Supreme Court's decision in [Rouch World LLC v. Department of Civil Rights](#) (July 2022).
- [Executive 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 prohibited discrimination in state services.
- MI Civil Rights Commission's [Interpretive Statement](#) (2018) applied existing protections against discrimination based on sex to include sexual orientation and gender identity.
- [Executive Order 2007-24](#) (2007) prohibits discrimination in state employment based on gender identity or expression.
- [Executive Order 2003-24](#) (2003) prohibits discrimination in state employment based on sexual orientation.



Minnesota

- State employment nondiscrimination law enumerates sexual orientation and gender identity. See [Minn. Stat. § 363A.08](#) (1993).
- [Executive Order 91-4](#) (1991) prohibited discrimination in state employment based on sexual orientation only

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
- [Executive Order No. 41-2008](#) (2008) prohibited discrimination in state employment, programs, and services based on sexual orientation
- [Rules issued](#) in 1999 prohibited discrimination in state employment based on sexual orientation

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 enumerates sexual orientation and gender identity
- See [A.B. 311](#) (1999) and [A.B. 211](#) (2011)

New Hampshire

- State 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

- State 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

- State employment nondiscrimination law enumerates sexual orientation and gender identity. See [HB314](#) (2003).
- [Executive Order 85-15](#) (1985) prohibited discrimination in state employment based on sexual orientation only



New York

- State employment nondiscrimination law enumerates sexual orientation and gender identity. See [SB 720](#) (2002) for sexual orientation and [SB 1047](#) (2019) for gender identity.
- [Executive action](#) in 2015 led to the development of [NYCRR §466](#), which prohibited discrimination based on gender identity throughout the state’s human rights law, including for state employment.
- [Executive Order 33](#) (2009) prohibited discrimination in state employment based on gender identity (already existing state law prohibited discrimination based on sexual orientation)
- [Executive Order 28](#) (1987) prohibited discrimination in state employment based on sexual orientation only

North Carolina

- [Executive Order 24](#) (2017) prohibits discrimination in state employment and contracts based on sexual orientation, gender identity, and gender expression
- [Executive Order 93](#) (2016) prohibited discrimination in state employment based on sexual orientation and gender identity, though it also contained anti-transgender provisions regarding bathrooms and facilities. This was rescinded by Executive Order 24 (2017).

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 2018-12K](#) (2018) prohibits discrimination in state employment based on sexual orientation and gender identity.
- [Executive Order 2011-05K](#) (2011) prohibited discrimination in state employment based on sexual orientation only. This EO was later rescinded by Gov. Kasich and replaced by EO 2018-12K (protecting both sexual orientation and gender identity).
- [Executive Order 2007-10S](#) (2007) prohibited discrimination in state employment based on sexual orientation and gender identity. This EO expired on Gov. Strickland’s last day in office (Jan 10, 2011), and Gov. Kasich issued EO 2011-05K (with sexual orientation only) as its replacement.
- [Executive Order 83-64](#) (1983) prohibited discrimination in state employment based on sexual orientation only. This EO [expired](#) in 1999.

Oklahoma

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



Oregon

- State employment nondiscrimination law enumerates sexual orientation and gender identity. See [SB2](#) (2007).
- [Executive Order 87-20](#) (1987) prohibited discrimination in state employment based on sexual orientation only

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.
- [Executive Order 2003-10](#) (2003) prohibited discrimination in state employment based on sexual orientation and gender identity
- [Executive Order 1975-05](#) (1975) prohibited discrimination in state employment based on sexual orientation (see also documentation [here](#))

Rhode Island

- State 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.
- [Executive Order 11](#) (1985) prohibited discrimination in state employment based on sexual orientation only

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
- See Texas 5th Circuit Court of Appeals ruling in [Tarrant County Community College v. Sims](#) (2021).

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

- State employment nondiscrimination law enumerates sexual orientation and gender identity. See [SB 868](#) (2020).
- [Executive Order 61](#) (2017) prohibited discrimination in by state contractors based on sexual orientation or gender identity.
- [Executive Order 1](#) (2014) prohibited discrimination in state employment based on sexual orientation or gender identity.
- Executive Order 1 (2005) prohibited discrimination in state employment based on sexual orientation only. In 2006, the new governor [reissued Executive Order 1](#) (2006) using identical language, but these protections were later rescinded by a subsequent governor in [Executive Order 6](#) (2010).

Washington

- State employment nondiscrimination law enumerates sexual orientation and gender identity. See [WRC §49-60-180](#) (2006).
- [Executive Order 91-06](#) (1991) prohibited discrimination in state employment based on sexual orientation only.
- [Executive Order 85-09](#) (1985) prohibited discrimination in state employment based on sexual orientation only.

West Virginia

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

Wisconsin

- [Executive Order 19-01](#) (2019) prohibits discrimination in state employment based on sexual orientation and gender identity.
- 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

- Public employment discrimination by the [Commonwealth government](#) and [Marianas Visitors Authority](#) is 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

- Territory employment nondiscrimination law covers sexual orientation and gender identity. See [Bill 34-0271](#) (2023) and [10 V.I.C. § 64](#).
- [Revised Sexual Harassment Policy](#) (2013) prohibited discrimination in territory/government employment based on sexual orientation and gender identity.

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.