



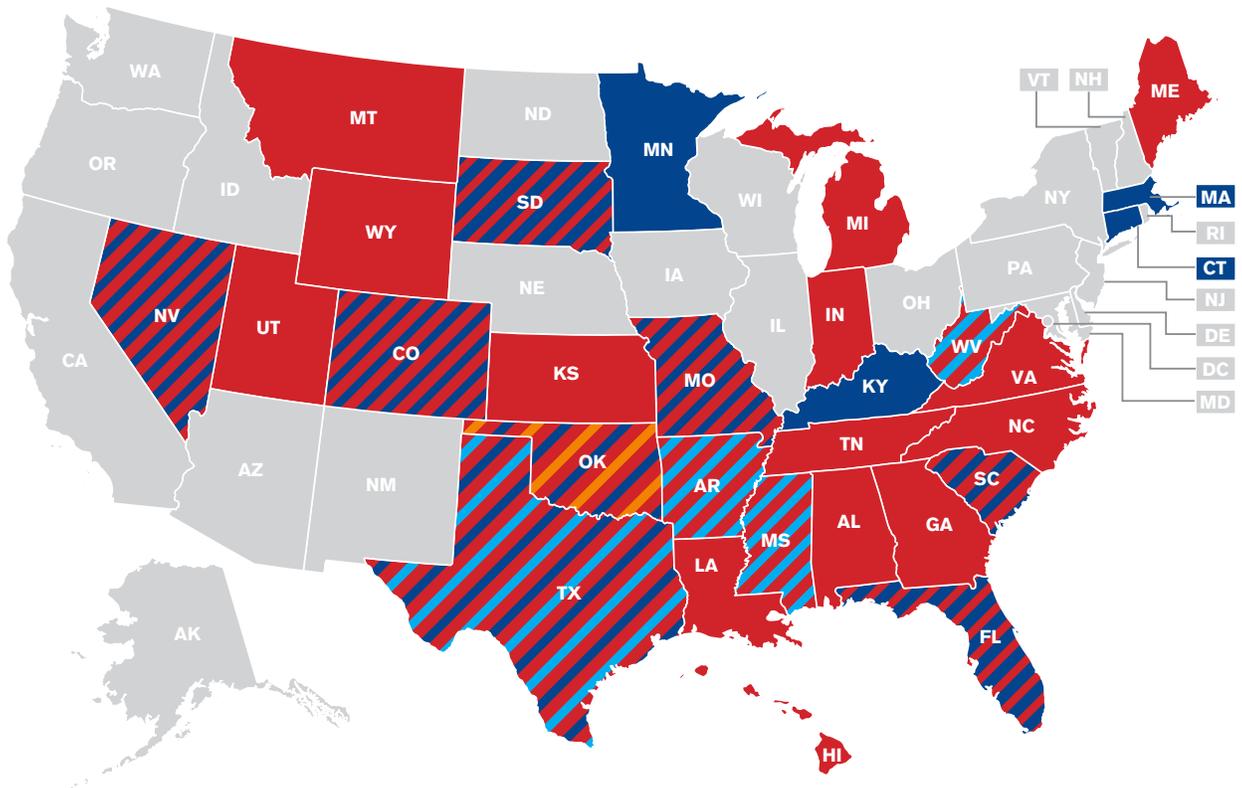
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# WAVE OF ANTI-LGBT BILLS IN 2015 STATE LEGISLATIVE SESSIONS

The Human Rights Campaign is highly concerned by a wave of anti-LGBT bills that have been filed by state legislators across the country. More than 100 bills have been filed in 29 state legislatures.

## THE BILLS LARGELY FALL INTO FOUR CATEGORIES:

-  Religious Refusals
-  Anti-Transgender
-  Promoting "Conversion Therapy"
-  Nullifying Local Civil Rights Protections



As of April 6, anti-LGBT legislation proposed in Colorado, Georgia, Kentucky, Mississippi, Montana, Oklahoma, South Dakota, Tennessee, Utah, Virginia, West Virginia and Wyoming had been defeated or failed to meet key legislative deadlines. Anti-LGBT legislation proposed in Arkansas and Indiana had been signed into law.



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## RELIGIOUS REFUSALS

There are four types of these kinds of bills that:

**1. Pass a statewide “Religious Freedom Restoration Act” (RFRA):**

Seemingly the most popular form of bill so far in the 2015 legislative session, these RFRAs require the state government to have a “compelling interest” before it can “substantially burden” personal religious practice.

This sounds nice on paper, but who decides what counts as a burden? These bills are often incredibly vague and light on details — usually intentionally. In practice, most of these bills could allow individuals to use religion to challenge or opt out of state and local laws, including local laws that protect lesbian, gay, bisexual and transgender people from discrimination. The evangelical owner of a business providing a secular service could sue claiming that their personal faith empowers them to refuse to hire Jews, divorcees, or LGBT people. A landlord could claim the right to refuse to rent an apartment to a Muslim or a transgender person.

By passing a state RFRA, the state puts the power to decide what constitutes religious discrimination in the hands of the state Supreme Court. Given the fact that state Supreme Courts tend to reflect the leanings of the state as a whole, this places a gay couple in Mississippi at much greater risk than a gay couple in Rhode Island.

**2. Attack marriage equality:**

Many bills we’re watching try to narrow their scope by only focusing on marriage-related services.

In Arkansas, one bill would allow businesses to refuse service to any couple to whom the owner objected to their marriage. In Oklahoma and South Carolina, for example, draft legislation bars state employees from issuing marriage licenses to gay and lesbian couples — and prevents them from collecting their salaries or pensions if they do so.

**3. Attack adoption:**

Similarly, some of these bills narrow their scope to adoption services. Under these bills, adoption service providers could deny service based on religious belief. Prospective parents of different denominations, ethnicities and sexual orientation could be at risk of rejection for reasons completely unrelated to their ability to parent a child.

**4. Super-RFRAs:**

This is the option anti-LGBT activists famously chose in Arizona last year, and these bills tend to fall into two broad categories.

First, whereas traditional state RFRA only allow individuals to challenge government entities, one category of “super-RFRAs” create a cause of action against private entities and individuals. In other words, a conservative Christian employee could sue their employer, for instance, for announcing a gay employee’s marriage at a staff meeting.

And second, another variety of super-RFRA lowers the standard for what constitutes a “burden” on someone’s religious practice. For example a constitutional amendment proposed in Texas in the 2015 legislative session lowers the standard for religious discrimination from the current standard of a “substantial burdening” of personal religious beliefs to just a “burdening” of those beliefs. Under this standard, anyone who found their religious beliefs even mildly inconvenienced would have a cause of action to sue.



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## ANTI-TRANSGENDER

This type of legislation seeks to restrict transgender Americans' access to public accommodations, school activities, or appropriate medical care. The primary form these bills take is to restrict access to gender-segregated facilities such as bathrooms and locker rooms in public accommodations or schools. These "Bathroom Surveillance" bills may restrict access based on factors such as gender marker on birth certificate, chromosomes, gender marker on identification documents, or sex assigned at birth. Such bills are likely to conflict with federal non-discrimination requirements and create additional liability for businesses and schools. "Bathroom Surveillance" bills have been introduced in Florida, Kentucky, Missouri, and Texas.

A variation of this type of legislation would prevent transgender students from participating in school sports according to their lived gender. Such bills have been introduced in South Dakota and Minnesota.

Other anti-transgender legislation would seek to restrict the ability of transgender people to receive medically-necessary healthcare by allowing insurance companies and state agencies to discriminate against transgender people. Such bills were introduced in Connecticut and South Carolina.

## PROMOTING "CONVERSION THERAPY"

This legislation would put the imprimatur of government on this junk science by expressly protecting therapists who conduct so-called conversion therapy in attempts to change a person's sexual orientation or gender identity.

## NULLIFYING LOCAL CIVIL RIGHTS PROTECTIONS

If passed, these bills would eliminate existing municipal protections for LGBT people and prevent city councils from passing new protections. Approximately 34 million people nationwide have more comprehensive non-discrimination protections at the local level than they have from their state law.

### HRC HAS SPOTTED:

**A RECORD  
NUMBER**

of bills introduced in a  
record number of states.

**THE  
DIVERSITY**

of the legislation is  
unprecedented.

The timeframe is  
compressed because state  
legislative sessions are

**OFTEN  
SHORT.**