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Nondiscrimination: Regulating Gender to Allow Discrimination Against Transgender and Nonbinary People

No updates required since June 5, 2024

What’s in this document (click to jump to that section)

Background	2
Equality Map & Additional Resources	2
Summary Table	3
Chronology	3
Order of Laws & Policies	3
Order of Governor Vetoes.....	3
State-by-State Sources & More Detail	4

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Background

As part of a [broader, coordinated attack](#) on transgender people across the country, these newly emerging laws explicitly regulate gender by defining “sex” throughout *all state law* to effectively allow discrimination against transgender people. These laws regulate and define sex as only male or female, typically based on a person's presumed reproductive anatomy, chromosomes, hormones, or other physical characteristics at birth. These laws also define sex as a permanent category, implying that transgender people would never be legally recognized as their gender identity under state law. These laws could have—and in some states, already do have—dangerous implications for transgender people when it comes to bathrooms, identity documents, and other areas of law or policy, but because these government gender regulation laws are often vaguely written, their actual impact may vary across each state.

Equality Map & Additional Resources

- See our [Equality Map: Regulating Gender To Allow Discrimination Against Transgender People](#), which is updated and maintained in real time alongside this document.
- See MAP's ongoing (2023) research series [Under Fire: The War on LGBTQ People in America](#), for more on the broader, coordinated attack on LGBTQ and especially transgender people across the country—including the new wave of bills seeking to regulate gender and define “sex” in discriminatory ways.



Summary Table

Category	States	Bill	Year
State law explicitly regulates gender to allow discrimination against transgender and nonbinary people <i>(9 states)</i>	Idaho	H 421	2024
	Kansas	SB 180	2023
	Louisiana	HB 608	2024
	Mississippi	SB 2753	2024
	Montana	SB 458	2023
	North Dakota	HB 1474	2023
	Oklahoma	HB 1449	2024
	Tennessee	SB 1440	2023
	Utah	HB 257	2024
State executive order explicitly regulates gender to allow discrimination against transgender and nonbinary people <i>(1 state)</i>	Nebraska	Executive Order No. 23-16	2023
No state law or policy explicitly regulating gender to allow discrimination against transgender or nonbinary people <i>(40 states, D.C., and 5 territories)</i>	All others		

Chronology

Order of Laws & Policies

(by date of governor signature or veto override; not by effective date)

2023

1. Kansas – [SB180](#) – April 27, 2023 (effective July 1, 2023), overriding governor’s [veto](#)
2. North Dakota – [HB1474](#) – May 8, 2023 (effective Aug 1, 2023)
3. Tennessee – [SB1440](#) – May 17, 2023 (effective July 1, 2023)
4. Montana – [SB458](#) – May 19, 2023 (effective Oct 1, 2023)
5. Oklahoma – [Executive Order 2023-20](#) – August 1, 2023 (effective immediately)
6. Nebraska – [Executive Order No. 23-16](#) – August 30, 2023 (effective immediately)

2024

7. Utah – [HB257](#) – January 31, 2024 (effective immediately)
8. Idaho – [H421](#) – April 9, 2024 (effective July 1, 2024)
9. Mississippi – [SB2753](#) – May 13, 2024 (effective immediately)
Oklahoma – [HB1449](#) – May 31, 2024 (effective Nov 1, 2024) (building on earlier executive order)
10. Louisiana – [HB608](#) – June 3, 2024 (effective Aug 1, 2024)

Order of Governor Vetoes

1. Kansas – [SB180](#) – April 20, 2023 (read veto statement [here](#)) (later overridden)
2. Arizona – [SB1628](#) – April 16, 2024 (read veto statement [here](#))



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State-by-State Sources & More Detail

Alabama

- State law does not regulate gender to allow discrimination against transgender people

Alaska

- State law does not regulate gender to allow discrimination against transgender people

Arizona

- State law does not regulate gender to allow discrimination against transgender people

Arkansas

- State law does not regulate gender to allow discrimination against transgender people

California

- State law does not regulate gender to allow discrimination against transgender people

Colorado

- State law does not regulate gender to allow discrimination against transgender people

Connecticut

- State law does not regulate gender to allow discrimination against transgender people

Delaware

- State law does not regulate gender to allow discrimination against transgender people

District of Columbia

- State law does not regulate gender to allow discrimination against transgender people

Florida

- State law does not regulate gender to allow discrimination against transgender people

Georgia

- State law does not regulate gender to allow discrimination against transgender people

Hawai'i

- State law does not regulate gender to allow discrimination against transgender people

Idaho

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [H 421](#) (2024; effective July 1, 2024)



Illinois

- State law does not regulate gender to allow discrimination against transgender people

Indiana

- State law does not regulate gender to allow discrimination against transgender people

Iowa

- State law does not regulate gender to allow discrimination against transgender people

Kansas

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [SB180](#) (2023), overriding governor's [veto](#)

Kentucky

- State law does not regulate gender to allow discrimination against transgender people

Louisiana

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [HB 608](#) (2024; effective August 1, 2024)

Maine

- State law does not regulate gender to allow discrimination against transgender people

Maryland

- State law does not regulate gender to allow discrimination against transgender people

Massachusetts

- State law does not regulate gender to allow discrimination against transgender people

Michigan

- State law does not regulate gender to allow discrimination against transgender people

Minnesota

- State law does not regulate gender to allow discrimination against transgender people

Mississippi

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [SB2753](#) (2024)

Missouri

- State law does not regulate gender to allow discrimination against transgender people



Montana

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [SB458](#) (2023)
- In December 2023, a lawsuit was filed challenging this law. See [Reagor, Cloverdale, et al vs. Montana](#).

Nebraska

- State executive order regulates gender throughout state law to allow discrimination against transgender people
- See [Executive Order No. 23-16](#) (2023)

Nevada

- State law does not regulate gender to allow discrimination against transgender people

New Hampshire

- State law does not regulate gender to allow discrimination against transgender people

New Jersey

- State law does not regulate gender to allow discrimination against transgender people

New Mexico

- State law does not regulate gender to allow discrimination against transgender people

New York

- State law does not regulate gender to allow discrimination against transgender people

North Carolina

- State law does not regulate gender to allow discrimination against transgender people

North Dakota

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [HB1474](#) (2023)

Ohio

- State law does not regulate gender to allow discrimination against transgender people

Oklahoma

- State executive order regulates gender throughout state law to allow discrimination against transgender people
- See [HB1449](#) (2024) and [Executive Order 2023-20](#) (2023)



Oregon

- State law does not regulate gender to allow discrimination against transgender people

Pennsylvania

- State law does not regulate gender to allow discrimination against transgender people

Rhode Island

- State law does not regulate gender to allow discrimination against transgender people

South Carolina

- State law does not regulate gender to allow discrimination against transgender people

South Dakota

- State law does not regulate gender to allow discrimination against transgender people

Tennessee

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [SB1440](#) (2023)

Texas

- State law does not regulate gender to allow discrimination against transgender people

Utah

- State law regulates gender throughout state law to allow discrimination against transgender people
- See [HB257](#) (2024)

Vermont

- State law does not regulate gender to allow discrimination against transgender people

Virginia

- State law does not regulate gender to allow discrimination against transgender people

Washington

- State law does not regulate gender to allow discrimination against transgender people

West Virginia

- State law does not regulate gender to allow discrimination against transgender people

Wisconsin

- State law does not regulate gender to allow discrimination against transgender people



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Wyoming

- State law does not regulate gender to allow discrimination against transgender people

U.S. Territories

American Samoa

- Territory law does not regulate gender to allow discrimination against transgender people

Guam

- Territory law does not regulate gender to allow discrimination against transgender people

Northern Mariana Islands

- Territory law does not regulate gender to allow discrimination against transgender people

Puerto Rico

- Territory law does not regulate gender to allow discrimination against transgender people

U.S. Virgin Islands

- Territory law does not regulate gender to allow discrimination against transgender people