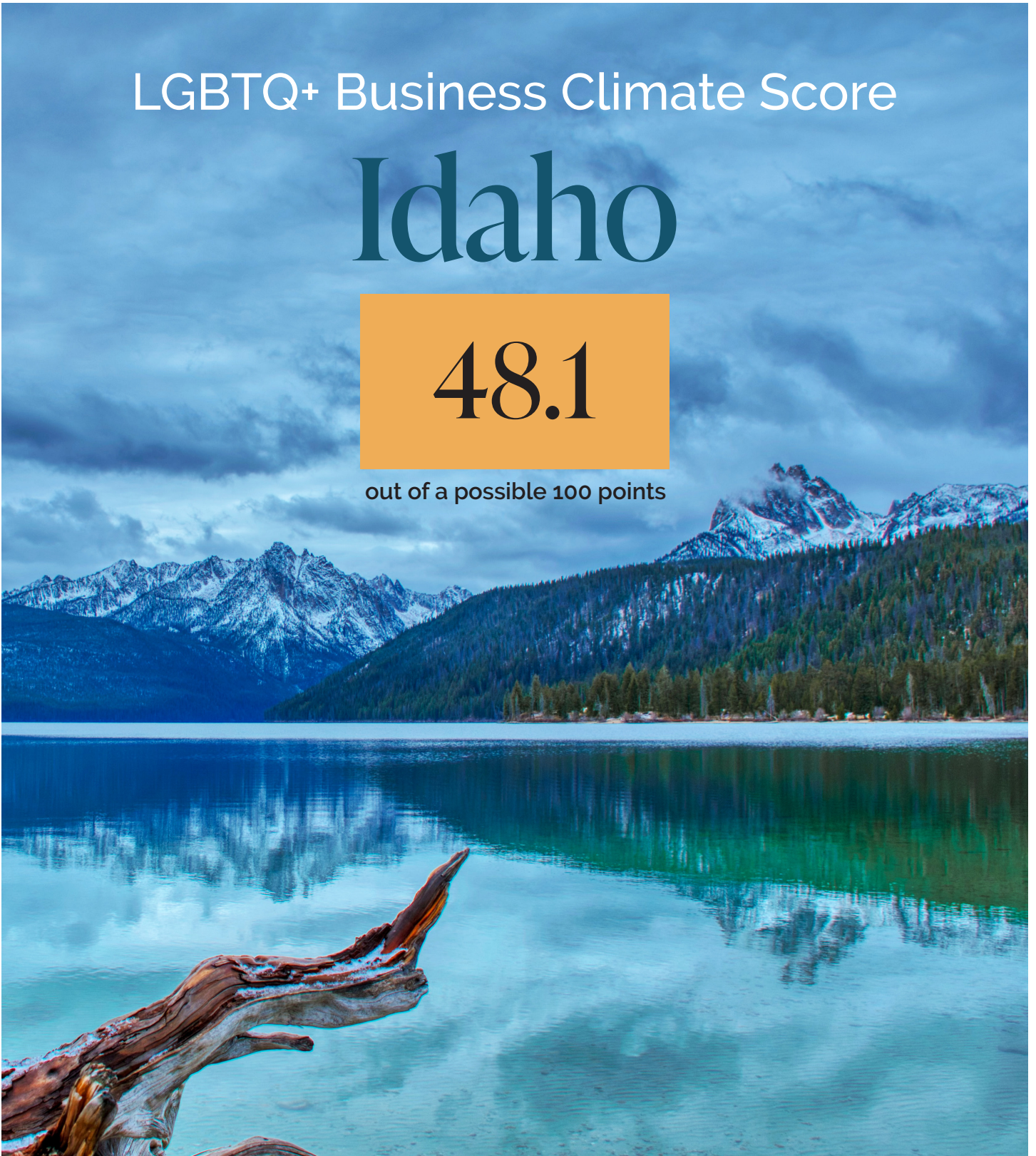


LGBTQ+ Business Climate Score

Idaho

48.1

out of a possible 100 points



Out Leadership's Business Climate Index for the 50 United States is an assessment of states' performance on LGBTQ+ inclusion. It measures the impact government policies and prevalent attitudes have on the LGBTQ+ people residing in each state, quantifying the economic imperatives for inclusion and the costs of discrimination. It equips business leaders and policy makers with a clear sense of the most impactful steps states can take to make themselves more hospitable to forward-thinking, innovative, inclusive businesses.

## Color Coding



For more context around these scores, and to learn more about the criteria we used to assess how state laws, actions and attitudes toward LGBTQ+ people create business and talent risks, please visit [www.outleadership.com/staterisk](http://www.outleadership.com/staterisk)

# Idaho



### Legal & Nondiscrimination Protection

Changing the gender markers on a birth certificate currently only takes the applicant requesting it. A driver's license gender marker change requires an affidavit signed by a physician. There is no statewide nondiscrimination protections on the basis of sexual orientation or gender identity.

11/20



### Youth & Family Support

Conversion therapy is legal in Idaho. There are no explicit protections preventing adoption agencies from discriminating against potential LGBTQ+ adoptive parents. Children in foster care are protected from discrimination on the basis of sexual orientation and gender identity.

10.4/20



## Political & Religious Attitudes

Idaho's U.S. Senators and its Governor all have records of speaking and voting against LGBTQ+ equity and inclusion. The state has a religious exemption law in place.

9.2/20



## Health Access & Safety

Knowingly exposing someone to HIV can be prosecuted as a felony.\* There are no hate crimes protections on the basis of sexual orientation or gender identity. There is no law mandating trans-related health coverage; state employee plans cover it but require pre-authorization.

7.5/20



## Work Environment & Employment

14% of transgender employees in Idaho reported being harassed in the past year due to their gender identity, and 23% report mistreatment such as having someone at work share private information about their gender. 32% of LGBTQ+ individuals in Idaho reported food insecurity, more than double the rate for non-LGBTQ+ people (15%). Up to 28% of LGBTQ+ individuals in Idaho reported making less than \$24,000 per year. 8% of LGBTQ+ individuals report unemployment in Idaho, almost double the rate for non-LGBTQ+ people (5%).

10/20

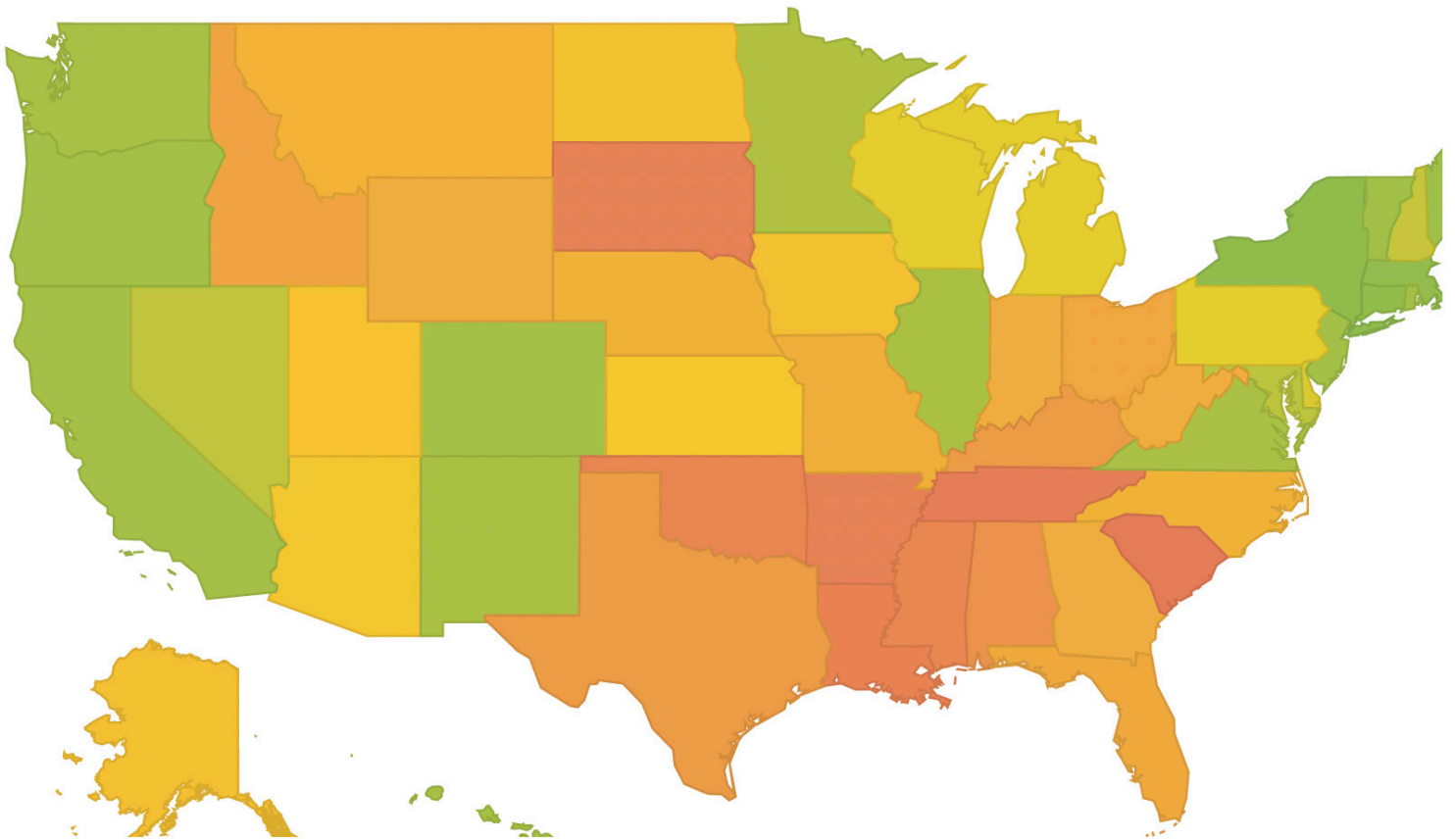
## A Note on Methodology

Download this report to learn how and why Out Leadership created the LGBTQ+ Business Climate Index for the 50 U.S. States, with important details about our methodology, including our data standards and practices. NOTE: \*HIV criminalization laws are discriminatory and ineffective. These laws fail to account for advances made in treating and controlling HIV, may deter people from getting tested and seeking treatment, and can exacerbate the stigma targeting people living with HIV and LGBTQ+ people.

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# United States Heat Map

The legal and cultural situation for LGBTQ+ people varies widely across the country. This map, based on each state's total Business Climate Score, illustrates the states where LGBTQ+ people are empowered to participate more fully and openly in the economy, and the states that are lagging behind.





# Idaho Talking Points

2.8% of Idaho residents identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$2.1 billion – it's a market my business can't afford to ignore.

When LGBTQ+ employees don't feel welcome at work, they're less likely to stay, and employee turnover is a drag on the state economy and business competitiveness. It costs companies an average of \$8,448 to replace an employee in Idaho, and it can cost up to \$201,221 to replace senior executives. Idaho and the businesses operating there have strong financial incentives to create inclusive workplaces in the interest of keeping these costs down.

Nondiscrimination policies allow LGBTQ+ people to participate more fully in the economy.

Millennial and Gen Z consumers prefer to do business with companies with LGBTQ+ friendly advertising and policies – 54% say they're more likely to choose an LGBTQ+ inclusive brand over a competitor – which is why it's important that Idaho continue to foster a business environment where being inclusive is supported.

State leaders should set a welcoming, not a stigmatizing tone.

Idaho has a regressive attitude towards trans-inclusive health coverage. Treating trans people as unequal makes us look complicit if we choose to do business in Idaho -- equality is good for everyone's bottom line.

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# Regional Context

# The West

Out Leadership and FCB partnered on original market research into the attitudes of American workers on LGBTQ+ inclusion, which fielded in 2019 and 2020. These briefs as a whole will be updated on an ongoing basis by Out Leadership because we recognize the ever-changing nature of policy on the local, state, and national level.

Overall, 52.5% of LGBTQ+ workers in the West are out at work. However, urbanicity has a big impact on whether LGBTQ+ workers feel comfortable sharing personal information at work (LGBTQ+ workers are 26% less likely to share when in rural areas vs 4% less likely to share in urban areas compared to national average). There is also a big impact when it comes to age and being open to managers, with older LGBTQ+ workers in this region being more likely to share with their managers than any other age group nationwide (52% more likely). West workers are also 14% more likely to report microaggressions at work which may be why LGBTQ+/Allies are also 15% more likely to say they want to work with companies that are more supportive of LGBTQ+ rights. Even though there are reports of microaggressions in the workplace, workers in this region were 35% less likely to say that the state's leadership talked negatively about LGBTQ+ issues.

*Unless otherwise noted, all comparisons for more or less likely are compared to the National results. Regional results are based off of 1,500 respondents (LGBTQ+ and Non-LGBTQ+ responses have been weighted to be age-representative for each audience in each region). National results are based off of 600 respondents representative of each audience (LGBTQ+ vs Non-LGBTQ+).*

**States in the Western region included: Alaska, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming.**

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# Current Legal Status of LGBTQ+ People in Idaho

## Legal status of the Lesbian, Gay and Bisexual Community

Idaho does not have statewide legislation that explicitly protects LGBTQ+ people from discrimination.

Idaho does not prohibit employment discrimination based on sexual orientation and gender identity.

There is no statewide legislation that protects state employees from discrimination on the basis of sexual orientation or gender identity.

Thirteen municipalities in Idaho have passed ordinances that prohibit discrimination based on sexual orientation and gender identity, but they vary in scope: Boise, Bellevue,

Coeur d'Alene, Driggs, Hailey, Idaho Falls, Ketchum, Lewiston, Meridian, Moscow, Pocatello, Sandpoint, Victor.

Idaho has a "Youth in Care Bill of Rights" that protect children in foster care against discrimination on the basis of sexual orientation and gender identity.

An unmarried same-sex partner does not have parental rights to the biological child of his or her partner under Idaho law. Same-sex couples who conceive using donors should pursue adoption by the non-biological parent to ensure parental rights are recognized.

Idaho state law does not explicitly prohibit discrimination by adoption agencies based on sexual orientation or gender identity.

The state has a religious exemption law. It states that the government "shall not substantially burden a person's exercise of religion" unless it can demonstrate that application of the burden to the person is both essential to further a compelling governmental interest and the least restrictive means of furthering that interest.

People with HIV can face felony charges, punishable by a sentence of up to 15 years and/or a fine of up to \$5,000, for failing to disclose their status to sexual partners and exposing them to "body fluid, tissue, or organs."

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The way the law is written, it's possible to be prosecuted for actions that can't transmit HIV, like spitting on another person.

It is a misdemeanor – punishable by up to six months in prison and/or a fine of up to \$300 – for a person with a venereal disease, including HIV, to knowingly expose another to disease.

There are no hate crimes protections covering sexual orientation or gender identity.

Conversion therapy is legal in Idaho. A bill to ban it was introduced for a fifth time into the state house in 2021.

Two bills have been introduced so far in 2022 that could dramatically change the legal status of LGBTQ+ people. Bill H 440 was introduced in January of 2022 that would amend the existing law to provide that freedom from discrimination because of sexual orientation or gender identity is a civil right. This is the 16th attempt for a bill regarding this protection to be introduced. Lastly is HB 52, introduced in January, which would protect LGBT youth from "conversion therapy," a range of dangerous and discredited practices that falsely claim to change a person's sexual orientation or gender identity.

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## Legal Status of the Transgender Community

On March 30, 2020, Governor Brad Little signed a law that prohibited birth certificate changes for transgender people as of July 1, 2020. It was challenged in court and ultimately dismissed. No medical documentation is necessary except for minors, when the change requires a provider signature. A name change requires a court order.

To change the gender marker on a driver's license, applicants must submit an affidavit signed by a physician certifying that they have undergone appropriate clinical treatment.

Medicaid has no explicit ban on trans health coverage (there was one until 2018).

Bill HB 675 was introduced in late February of 2022, that would make it a felony for doctors to provide gender affirming care to trans youth. This was passed by the House in early March.

The state does not have a law banning insurance providers from excluding coverage for trans healthcare.

The state employee health plan requires prior authorization for gender confirmation coverage. Prior to 2019, it was excluded altogether.





## Government Statements and Actions

On March 30, 2020, at the height of the COVID-19 pandemic, Governor Brad Little quietly signed a law that bans transgender women in high school and college from playing on girls' sports teams. The ACLU of Idaho filed a lawsuit challenging the sports ban, and arguments were heard in May 2021. The case has still not been ruled on.

In January 2020, State Sen. Mayanne Jordan introduced an "Add the Words" bill to add sexual orientation and gender diversity to the Idaho Human Rights Act. It's been introduced annually for over a decade and has never gotten out of committee.

In August 2019, a Ninth Circuit Court of Appeals ruled that Idaho must provide gender confirmation surgery for transgender prison inmates. Idaho Governor Brad Little said the state would appeal to the U.S. Supreme Court. The court refused to hear the case before the plaintiff's surgery deadline, so in July 2020, Adree Edmo became the second inmate in the nation to receive gender confirmation surgery.

# Impact of LGBTQ+ Discrimination on Business Talent

1 NO RISK

2 LOW RISK

3 MODERATE RISK

4 NOTABLE RISK

5 HIGH RISK

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## Brand Risk

5 HIGH RISK

Companies incur high risk to their brands by operating in Idaho, where there are no state wide LGBTQ+ inclusive nondiscrimination protections. The state's governor and senator have negative voting records on LGBTQ+ issues, and stand vocally against LGBTQ+ interests.

## Client Risk

5 HIGH RISK

There is notable risk of LGBTQ+ or strong ally clients pulling their business from companies operating in Idaho in light of the state's business climate and reputation.

## Talent Risk

4 HIGH RISK

LGBTQ+ professionals are likely to consider Idaho's legal and social environment unfriendly. There is no statewide LGBTQ+ inclusive nondiscrimination law or hate crimes protections, both of which make working in Idaho unattractive to LGBTQ+ talent.

## Marketing Risk

5 HIGH RISK

There is notable risk involved in marketing to the LGBTQ+ community in Idaho, where there is no statewide LGBTQ+ inclusive nondiscrimination law, sexual orientation and gender identity are not protected under state hate crimes legislation, no statewide restrictions exist on the practice of conversion therapy, and religious freedom laws are in and religious freedom laws are in place.

## Future Risk

5 HIGH RISK

Until 2020, very few discriminatory bills were filed in recent years. However, in 2020 the legislature enacted two bills targeting transgender people, suggesting a shift in the state's risk profile to high risk of a future negative event.



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# Socio-cultural Environment of LGBTQ+ People in Idaho

## Status of LGBTQ+ Organizing and Community

LGBTQ activist Madelynn Lee Taylor, who passed away in April 2021, was buried beside her late wife after Taylor, a veteran, spent years fighting in court for her spouse's inclusion in a military cemetery.

Boise's pride festival will celebrate its 33-year anniversary in 2022.

"Add the Words", a nonprofit dedicated to achieving statewide LGBTQ+ nondiscrimination protections, has unsuccessfully sought equality status for the past 16 legislative sessions.

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## Cultural Views of the LGBTQ+ Community

44% of Idaho residents favor allowing small businesses to discriminate against LGBTQ+ people.

71% of Idaho residents favor LGBTQ+ nondiscrimination laws.



# Partners

Our partnerships make our work possible. The first State LGBTQ+ Business Climate Index released in 2019 was funded by a grant from the Gill Foundation. The Index is based on data graciously shared by the Movement Advancement Project and the Williams Institute. Ropes & Gray is our pro bono legal partner for the CEO Business Briefs globally, and their research informs this Index. FCB partnered with us to conduct original market research into American attitudes toward LGBTQ+ workplace inclusion, informing the Regional Context section of the State CEO Briefs. America Competes supported the development of the scoring for the Risk Assessments, particularly for the Future Risk score.

