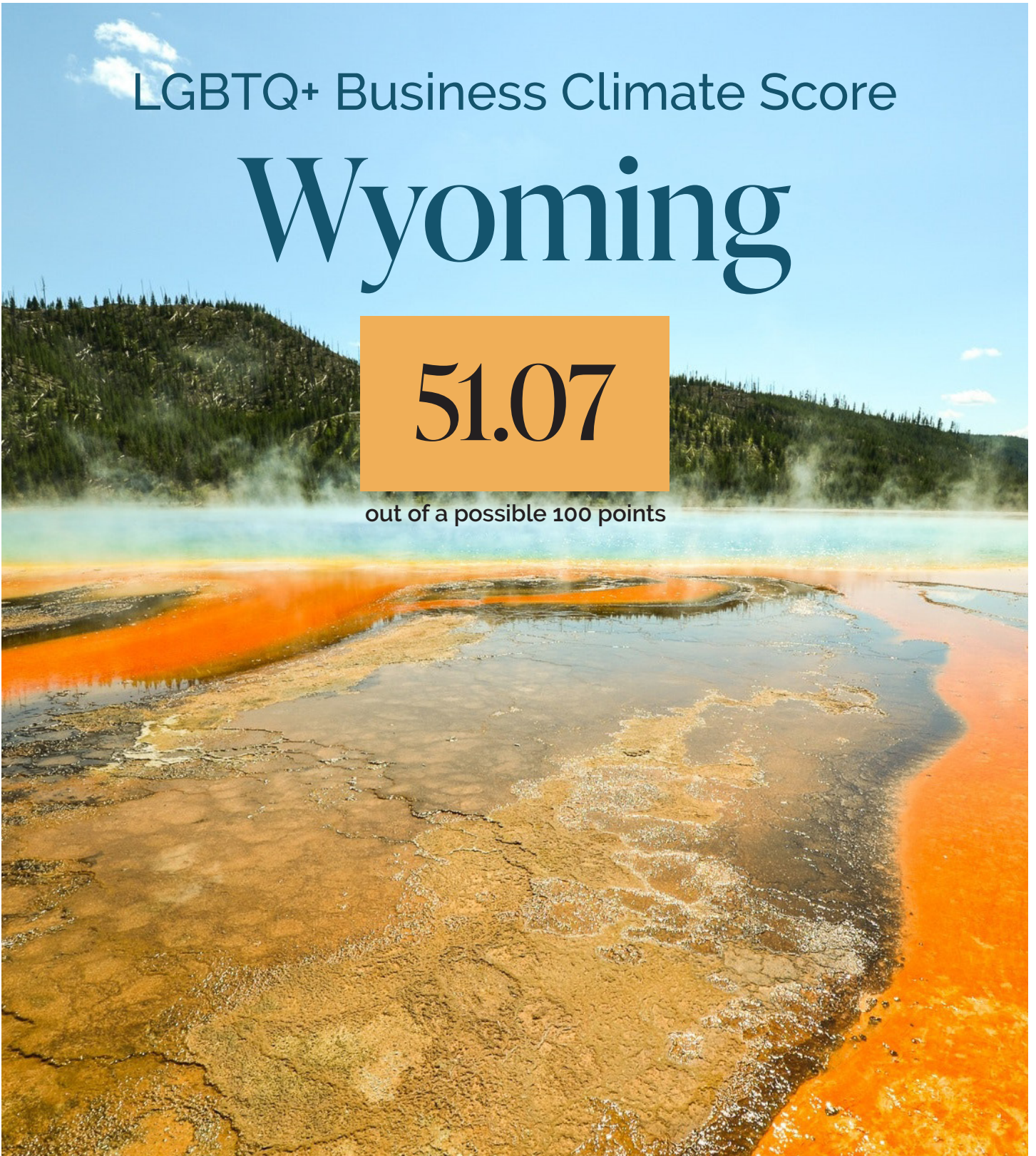


LGBTQ+ Business Climate Score

# Wyoming

51.07

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)

# Wyoming



### Legal & Nondiscrimination Protection

There are no statewide nondiscrimination protections on the basis of sexual orientation or gender identity. Surgery is required to change the gender markers on a birth certificate. Changing a gender marker on a driver's license requires an affidavit signed by a medical professional, but not surgery.

10<sub>/20</sub>



### Youth & Family Support

There is no conversion therapy ban in the state. Children in foster care have anti-discrimination protections on the basis of sexual orientation but not gender identity. There is no religious exemption to discriminate against potential LGBTQ+ adoptive parents.

11.07<sub>/20</sub>



## Political & Religious Attitudes

There is no religious exemptions law in Wyoming. The state's U.S. Senators and Governor are not often vocally anti-LGBTQ+. They all consistently vote against equality and inclusion, but Gov. Mark Gordon recently nominated candidates to state commissions who faced a confirmation fight due to their pro-LGBTQ+ positions.

12/20



## Health Access & Safety

There are no state laws explicitly criminalizing HIV in Wyoming.\* There are also no statewide hate crimes protections. Medicaid explicitly prohibits covering trans-related healthcare. Under federal law, Wyoming Medicaid is required to cover all medically necessary procedures for children and adolescents. Current state rule excludes coverage of gender confirmation surgery (GCS) for adults. Wyoming Medicaid has considered removing this restriction but it is currently on the books. At this time, Wyoming Medicaid has not paid for nor denied any requests for GCS.

10/20



## Work Environment & Employment

15% of transgender employees in Wyoming reported being harassed in the past year due to their gender identity, and 29% report mistreatment such as being forced to use a restroom not matching gender. 26% of LGBTQ+ individuals in Wyoming reported food insecurity, almost double that of their non-LGBTQ+ peers (14%). Up to 31% of LGBTQ+ individuals in Wyoming reported making less than \$24,000 per year. 17% of LGBTQ+ individuals report unemployment in Wyoming, more than 4 times the rate of their non-LGBTQ+ peers (4%).

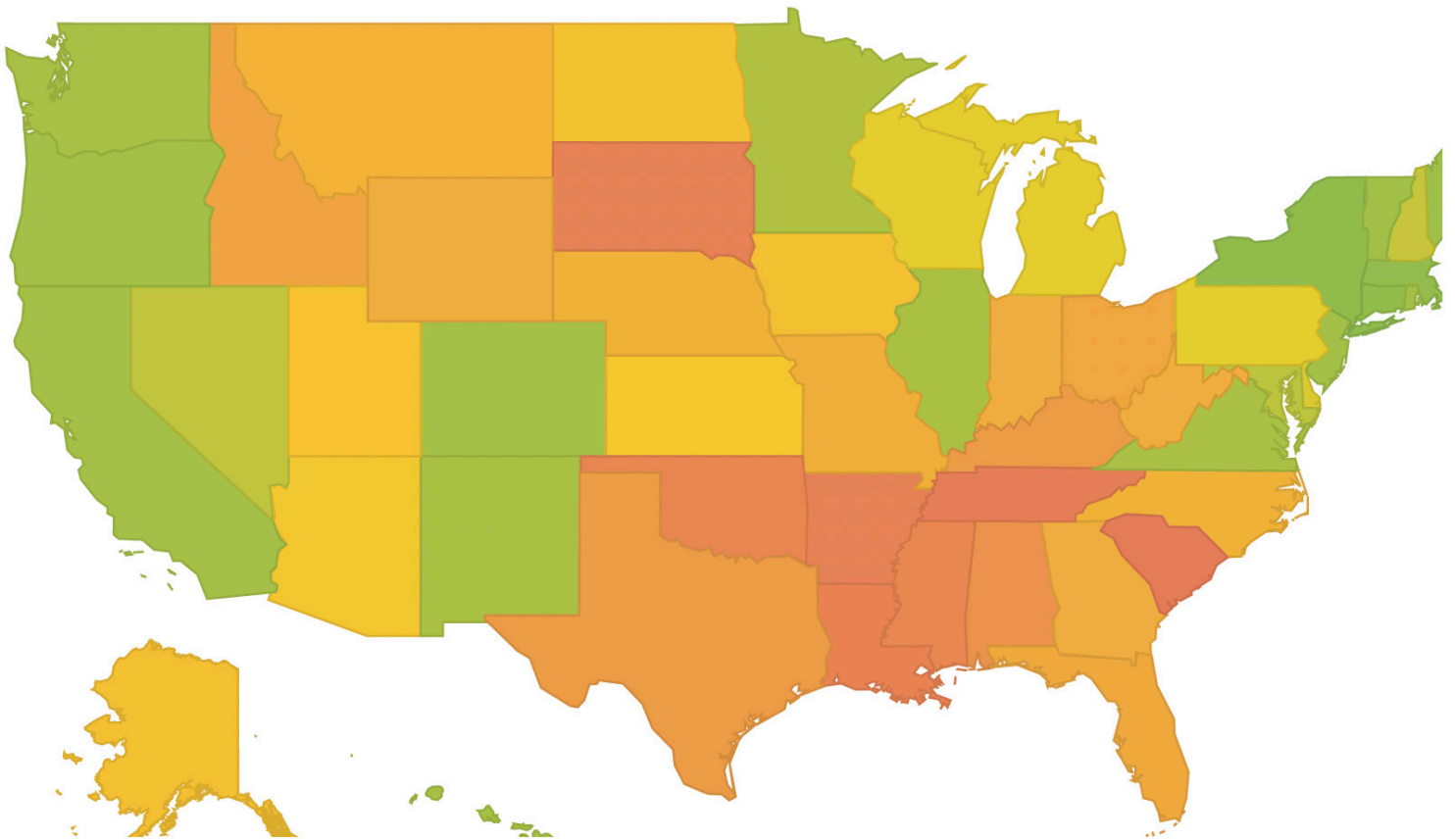
8/20

## 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.

# 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.





# Wyoming Talking Points

3.3% of Wyoming residents identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$1.1 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 \$9,530 to replace an employee in Wyoming, and it can cost up to \$279,000 to replace senior executives. Wyoming 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 Wyoming work to foster a business environment where being inclusive is supported. State leaders should set a welcoming, not a stigmatizing tone.

Wyoming 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 Wyoming – equality is good for everyone's bottom line.

# 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 Wyoming

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

There is no statewide ban on discrimination based on sexual orientation or gender identity. Multiple attempts to pass anti-discrimination laws have failed in the Wyoming statehouse, both in the House of Representatives in 2011 and the state Senate in 2013. The state failed to pass a nondiscrimination law in 2015 that would have protected sexual orientation or gender identity, though the bill contained a religious exemption.

The municipalities of Jackson and Laramie have protections based on sexual orientation or gender identity; Casper and Gillette prohibit discrimination in city employment based on sexual orientation.

The state does not prohibit housing or public accommodation discrimination based on sexual orientation or gender identity.

Children in foster care have anti-discrimination protections on the bases of gender and sexual orientation but not gender identity or expression.

There is no religious exemption for denying LGBTQ+-parent adoption, but adoption reports currently require listing a Mother/Parent and Father/Parent on the petition for adoption.

Wyoming has a statute requiring the establishment of paternity on a child's birth certificate. If the "father" is someone other than the man a woman was married to during conception or pregnancy, that person must submit an affidavit denying that he is the father of the child.

There are no statutes explicitly criminalizing HIV transmission or exposure in Wyoming. Defendants accused of crimes involving the "exchange of bodily fluids" must submit to a test for a sexually transmitted disease, and the results of the test are admissible in a criminal prosecution for the "criminal infliction of or exposure to a sexually transmitted disease."

Wyoming is one of few states without a hate crime law on the books protecting any class of people. Therefore, Wyoming does not have a law that addresses hate or bias crimes based on sexual orientation and gender identity.

There is no ban on conversion therapy in Wyoming.

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## Legal Status of the Transgender Community

Wyoming will amend a birth certificate with a court order stating that the sex of an individual has been changed. The applicant must present a certified copy of the court-ordered gender marker change and a letter from a doctor stating that gender surgery has been completed.

A name change in Wyoming requires a petition in the individual's county district court. The individual must be a resident of the county for at least two years before filing. The applicant must publish a notice in a newspaper once a week for a required period, but the publication can keep an applicant's address confidential if the individual is a victim of domestic violence. After receiving the court order, an applicant must appear in person with it to surrender their old ID.

To change the gender markers on a driver's license or other state ID, applicants must fill out a form that requires a signature and affidavit from a physician, therapist or counselor, psychiatric social worker, or other medical or social service provider.

Wyoming's Medicaid policy explicitly excludes transgender care. There is no insurance protection under state law for transgender anti-discrimination.

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## Government Statements and Actions

In response to a Washington Post query in July 2019, Wyoming's health department claimed it removed its Medicaid transgender coverage exclusion but that nobody has tested the claim by requesting authorization for a gender confirmation surgery yet.

A bill was introduced in the State House in 2019 that would make it illegal to fire people on the basis of sexual orientation or gender identity, but it died after it wasn't taken up for voting.

In 2018, the State House watered down its own anti-discrimination policy, removing any mention of protected groups, including LGBTQ+ people.

HB0037 Passed in April 2021 adding rights for adoptive and surrogate parents but explicitly excluded single parents and LGBTQ+ parents. This was a major loss.

3 anti-LGBTQ+ bills are currently making their way through the legislature.



# 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 Wyoming, where there are no statewide LGBTQ+ inclusive nondiscrimination protections and the state's governor and senators have negative voting records on LGBTQ+ issues, and stand vocally against LGBTQ+ interests.

## Client Risk

**4** NOTABLE RISK

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

## Talent Risk

**2** LOW RISK

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

## Marketing Risk

**5** HIGH RISK

There is high risk involved in marketing to the LGBTQ+ community in Wyoming.

## Future Risk

**2** LOW RISK

While a few discriminatory bills have been filed over the years, state lawmakers appear to have little appetite for advancing discriminatory legislation. The risk of a future negative event is low.

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# Socio-cultural Environment of LGBTQ+ People in Wyoming

## Status of LGBTQ+ Organizing and Community

There are pride events in Laramie and Cheyenne; both are less than five years old. There are at least six other small events in towns throughout the state.

In 2018, the head of Equality Wyoming, Sara Burlingame, won a seat in the State House. She ran for re-election in the 2020 cycle and lost by less than 50 votes.

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## Cultural Views of the LGBTQ+ Community

The state still lives under a cloud from the 1998 murder of gay college student Matthew Shepard. A national hate crimes act was named after him in 2009 and his parents continue to advocate for state-level protections across the country. Wyoming is one of three states without hate crimes laws.

41% of Wyoming residents favor allowing small businesses religious exemptions to discriminate against LGBTQ+ people.

64% of Wyoming 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.

