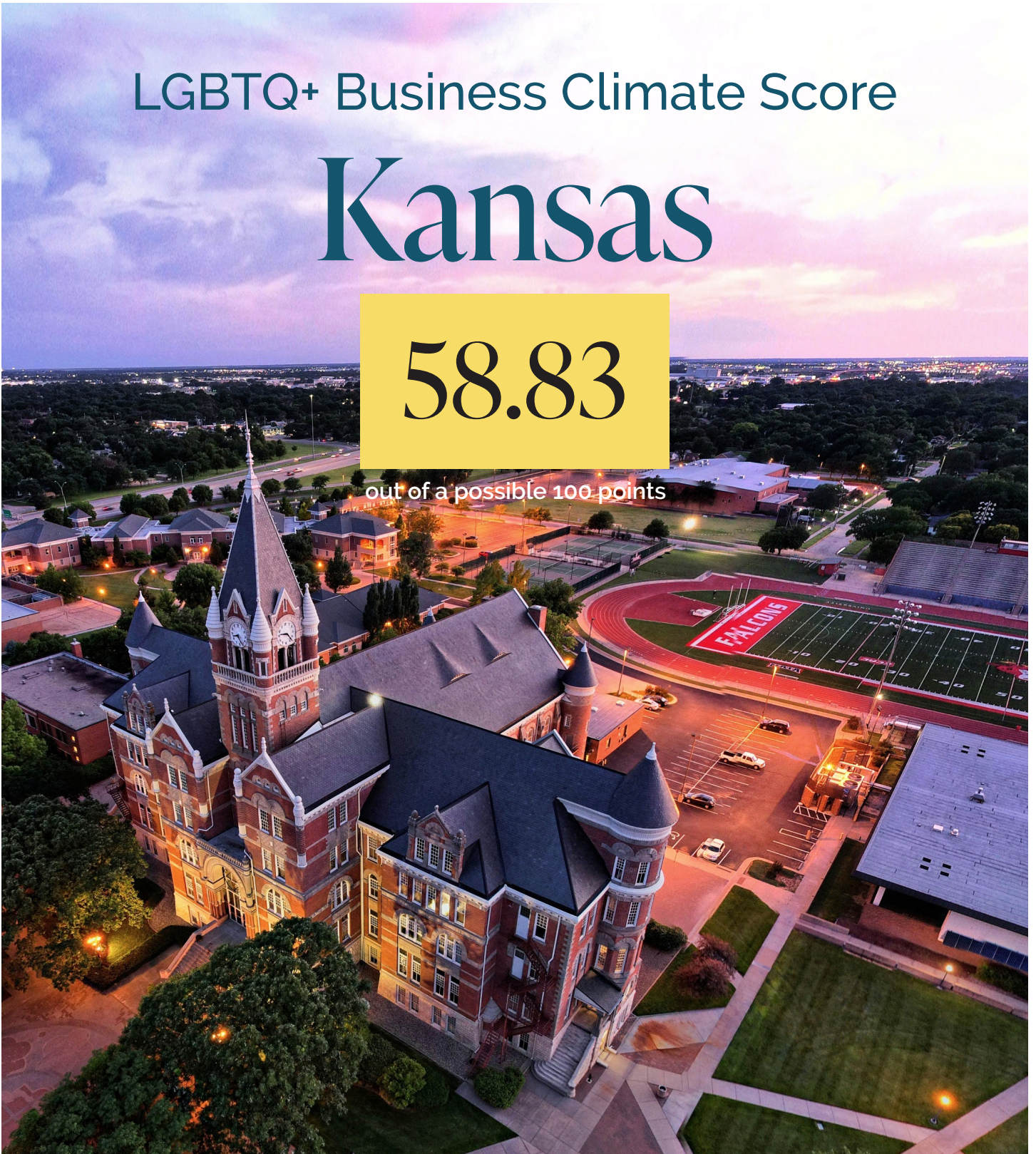


## LGBTQ+ Business Climate Score

# Kansas

58.83

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

NO RISK	LOW RISK	MODERATE RISK	NOTABLE RISK	HIGH RISK
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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)

# Kansas



### Legal & Nondiscrimination Protection

Changing the gender marker on a driver's license requires a court order or a medical declaration, and changing them on a birth certificate requires an updated ID or a signed doctor's note. There is no statewide discrimination law protecting people on the basis of sexual orientation or gender identity, though state employees and the employees of private companies contracting with the state have received those protections via executive order.

15<sub>/20</sub>



### Youth & Family Support

There is no conversion therapy ban in Kansas. Same-sex couples can adopt, but adoption agencies can discriminate against them on religious freedom grounds. Same-sex couples who aren't biologically related to their child must petition for step-parent adoption to be listed on the birth certificate.

10.73<sub>/20</sub>







## Political & Religious Attitudes

Governor Laura Kelly ran on a pro-LGBTQ+ platform, and her first act as governor was to reinstate protections on the basis of gender identity and sexual orientation for state employees. The state's two senators both have dire voting records on LGBTQ+ issues. The Preservation of Religious Freedom Act allows people to challenge government mandates on religious grounds.

11.6<sub>/20</sub>



## Health Access & Safety

There are no laws mandating coverage of trans healthcare in Kansas. It's a felony for a man with an HIV+ status to knowingly have penetrative sex with the intent to expose another person to disease, or for any person with an HIV+ status to knowingly donate tissue or fluids. The state enumerates sexual orientation under hate crime protections, but not gender identity.

12.5<sub>/20</sub>



## Work Environment & Employment

15% of transgender employees in Kansas reported being harassed in the past year due to their gender identity. 33% of LGBTQ+ individuals in Kansas reported food insecurity, more than double that of their non-LGBTQ+ peers (12%). 30% of LGBTQ+ Kansans reported making less than \$24,000 per year. LGBTQ+ unemployment (8%) is double that of the non-LGBTQ+ population.

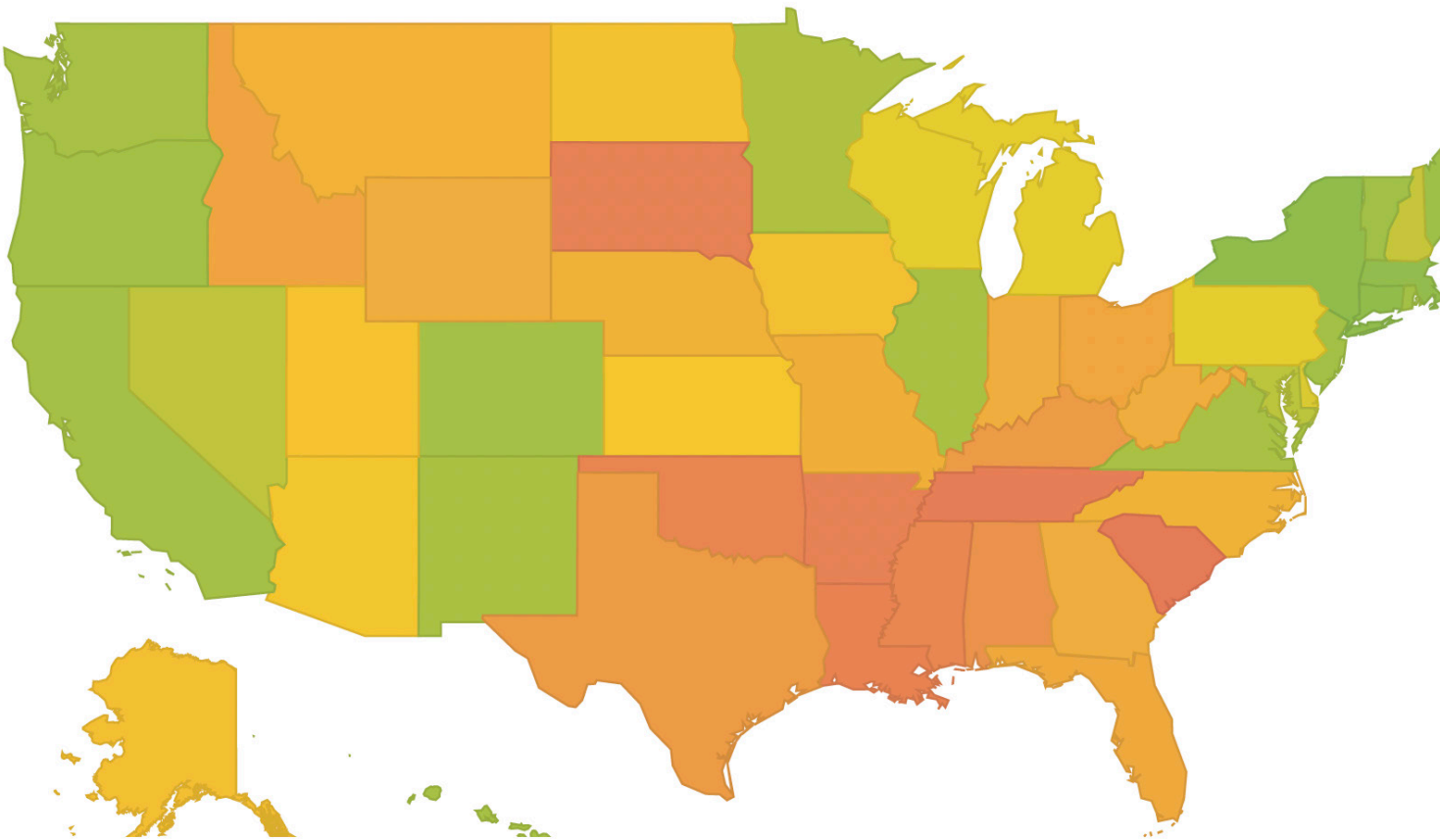
9<sub>/20</sub>

## 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.





# Kansas Talking Points

3.3% of Kansas residents identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$4.8 billion – it's a market my business can't afford to ignore.

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

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 \$8,914 to replace an employee in Kansas, and it can cost up to \$172,100 to replace senior executives. Kansas and the businesses operating there have strong incentives to create inclusive workplaces in the interest of keeping these costs down.

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 Kansas create a business environment where being inclusive is supported.

Community leaders in Kansas should take steps to ease stigmatization of trans people – equality is good for everyone's bottom line.

## Regional Context

# The Midwest

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.

Only 50.8% of LGBTQ+ workers in the Midwest are out at work. They are only slightly more comfortable being open with their managers than other regions (14% more likely), but they are the least likely to cover their identity at work (17% less likely than nationwide). This could be due to the Midwest having the lowest rates for observing microaggressions (23% less likely than the national group as a whole) and hearing or engaging in negative conversations on average, relative to the national sample. However, workers in this region do not typically go out of their way to do business with inclusive companies (21% less likely than the nation as a whole). This is primarily driven by those who live in more rural areas where respondents were 85% less likely to do business with companies that are inclusive.

*\*\* 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 Midwest region included: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, North Dakota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.**



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# Current Legal Status of LGBTQ+ People in Kansas

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

Kansas does not have statewide nondiscrimination laws on the basis of sexual orientation and/or gender identity. State employees are protected against discrimination on the basis of sexual orientation and gender identity by an executive order signed into law in August 2007 by then-Governor Kathleen Sebelius. This executive order was subsequently rescinded in February 2015 by Sam Brownback, but was reinstated in expanded form in January 2019 by Governor Laura Kelly.

There was a bill introduced in 2019 that would add sexual orientation and gender identity to the state's nondiscrimination protections, but it died in committee in 2020.

Certain cities and municipalities extend nondiscrimination protections to members of the LGBTQ+ community. The cities of Fairway, Kansas City, Lawrence, Manhattan, Merriam, Mission, Mission Hills, Olathe, Roeland Park and Prairie Village, Westwood Hills and Wyandotte County all have laws in place prohibiting discrimination on the basis of sexual orientation and gender identity in both government/state and private employment, and in some cases housing and public accommodations. Additionally, the cities of Topeka, Emporia, Hutchinson and Olathe all prohibit discrimination against city employees on the basis of sexual orientation and gender identity. Lastly, the County of Shawnee and the city of Wichita both prohibit discrimination against city/county employees on the basis of sexual orientation.

There are no legal restrictions against same-sex adoption in the state of Kansas. However, the 2018 Adoption Protection Act allows child placement agencies to decline to serve prospective adoptive parents where doing so would violate the agency's sincerely held religious beliefs.

Both parents can be represented on a child's birth certificate in Kansas if certain requirements are met. Whether utilizing gestational or traditional surrogacy, only the biological parent will initially be listed on the child's birth certificate. If the same sex couple is married, both parents may subsequently petition for a step-parent adoption in Kansas (or another state). If successful, both same-sex parents will subsequently be listed on the child's birth certificate.



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## Legal Status of the Transgender Community

As of June 2019, Kansans can update gender markers on birth certificates by submitting an application and either another form of ID with the gender change or a signed doctor's note

To amend the gender marker on a driver's license, an individual must undergo clinical treatment for a gender change and provide a letter on official letterhead from the individual's licensed physician or therapist. An individual must also obtain a gender reclassification court order. There's no name-change requirement.

The 2009 enhanced sentencing guidelines that include offenses motivated by sexual orientation do not apply to crimes motivated by the victim's gender identity.

Kansas does not have any explicit State Medicaid policy regarding transgender health coverage and care. Similarly, Kansas does not have any laws in place specifically allowing insurance companies to exclude transgender care.

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## Government Statements and Actions

The first two openly LGBTQ+ members of the Kansas state legislature were elected in 2018. State Rep. Stephanie Byers became the first openly trans member upon her election in 2020.

The state legislature passed a bill during the 2021 session that would ban trans girls and women students from participating in women's sports, but it was vetoed by Gov. Laura Kelly. Unfortunately in late April of 2022 bill SB160 was reintroduced into the court. The governor vetoed the bill, continues to allow trans girls to participate in sports, but it's being contested in the state legislature.

In 2012, the Kansas courts ruled not to permit second parent or co-parent adoptions in instances where the petitioners are not married. Prior to the Obergefell ruling, this effectively prohibited same-sex couples from second-parent adoptions. However, in 2013, Kansas courts ruled the partner of a biological parent may receive parental rights according to the best interest of the child in certain circumstances, such as where there is no second parent whose parental rights would require termination and when the partner has assumed a parenting role of the child.

In 2013 Kansas passed the Preservation of Religious Freedom Act. This legislation provides that the government shall not substantially burden a person's civil right to exercise religion (even if the burden is generally





applicable to all individuals) unless the government can demonstrate the necessity of the burden by meeting a higher standard of proof. This law allows an individual to challenge or ignore government mandates on the basis of one's sincerely held religious beliefs.

In 2020, the most recent attempt to introduce legislation banning conversion therapy in the Kansas Senate was made, but the legislation died in committee.

The city of Lawrence banned conversion therapy for minors in April 2021, making it the second municipality in the state to do so. The first was Roeland Park.

In Laura Kelly's first official act as governor, she signed an executive order reinstating and expanding on discrimination protections for LGBTQ+ state workers.

Kelly has announced her intention to push for the state to require that adoption agencies with state contracts not discriminate against LGBTQ+ applicants in response to a bill passed in 2018, saying that the Kansas Department for Children and Families cannot block any foster or adoption agency from participating in its programs solely because it refuses to adopt or place children with LGBTQ+ individuals.

# 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

**4** NOTABLE RISK

Companies incur notable risk to their brands by operating in Kansas, where there are no statewide LGBTQ+ inclusive nondiscrimination protections, and political climate for LGBTQ+ equality remains volatile and polarized.

## Client Risk

**4** NOTABLE RISK

There's notable risk that of LGBTQ+ or strong ally clients might pull their business from companies operating in Kansas, in light of the state's business climate and reputation.

## Talent Risk

**4** NOTABLE RISK

LGBTQ+ talent is likely to consider Kansas' legal and social environment unwelcoming. The state lacks nondiscrimination protections and is one of three states that doesn't allow trans people to change gender markers on birth certificates, both of which make working in Kansas unattractive to LGBTQ+ professionals.

## Marketing Risk

**3** MODERATE RISK

Marketing directly to LGBTQ+ people in Kansas could conceivably trigger an outcry from religious conservatives, but companies could reduce this risk by properly targeting messages.

## Future Risk

**3** MODERATE RISK

The state has a few discriminatory laws on the books, and filing of discriminatory legislation is steady year on year. But with a divided state government, the risk of a future negative event is moderate.



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# Socio-cultural Environment of LGBTQ+ People in Kansas

## Status of LGBTQ+ Organizing and Community

In 2021, the Kansas Chamber of Commerce cut ties with the national chamber over its endorsement of U.S. Rep. Sharice Davids, who is openly LGBTQ+.

In March 2019, the archdiocese of Kansas City denied enrollment to the kindergarten-aged child of a gay couple, and at least 7,000 people signed a petition supporting the decision to ban the child, far more than the amount who signed a petition opposing it.







# Partners

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