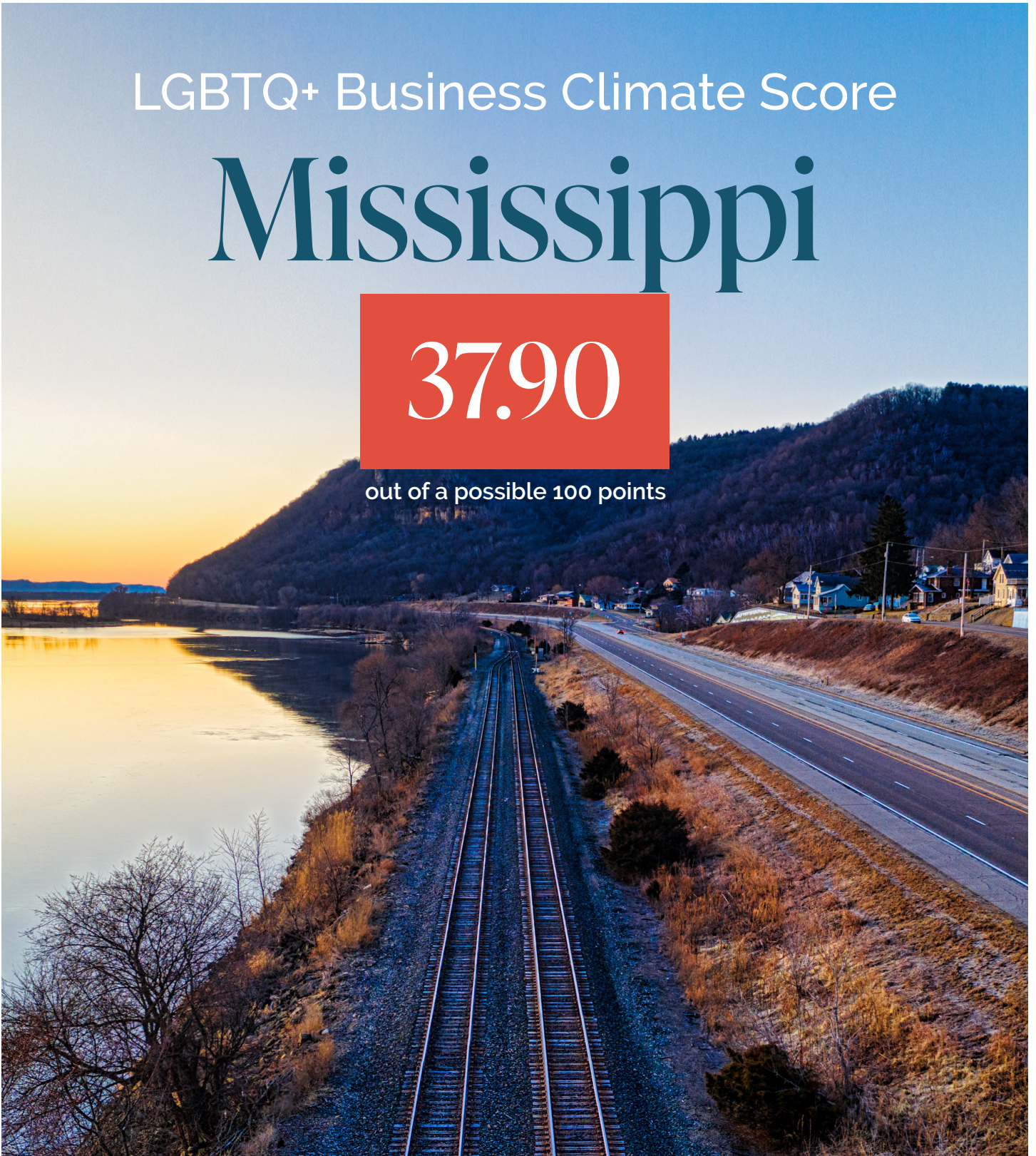


LGBTQ+ Business Climate Score

# Mississippi

37.90

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)

# Mississippi



### Legal & Nondiscrimination Protection

Amended markers on birth certificates annotate, rather than replace, the pre-existing ones. Once a court order is received and birth certificate is amended with marginal notation to reflect an updated gender marker, the gender marker on a driver's license can be changed. Only four Mississippi cities have fully comprehensive non-discrimination ordinances: Jackson, Magnolia, Clarksdale and Holly Springs.

7<sub>/20</sub>



### Youth & Family Support

Youths in foster care are supposedly protected from discrimination on the basis of sexual orientation or gender identity, but adoption agencies can refuse to place them on religious grounds. It's also legal to discriminate against potential LGBTQ+ adoptive parents on religious grounds. There is no ban on conversion therapy in the state.

6.4<sub>/20</sub>





## Political & Religious Attitudes

The state has a religious exemption law aimed directly at preserving an ability to discriminate against LGBTQ+ Mississippians. Both of the state's U.S. Senators and its Governor have long records of voting and speaking against LGBTQ+ equality and inclusion.

6/20



## Health Access & Safety

Knowingly exposing someone to HIV is considered a felony in the state.\* There are no hate crimes protections for LGBTQ+ Mississippians. There is no mandated coverage for trans-related healthcare in public or private insurance, nor for transgender state employees.

7.5/20



## Work Environment & Employment

18% of transgender employees in Mississippi reported being harassed in the past year due to their gender identity, and 30% reported mistreatment such as being told to present in the wrong gender in order to keep a job. 31% of LGBTQ+ individuals in Mississippi reported food insecurity, compared to 22% of non-LGBTQ+ people. Up to 34% of LGBTQ+ individuals in Mississippi reported making less than \$24,000 per year. 11% of LGBTQ+ individuals report unemployment in Mississippi, nearly double the rate for non-LGBTQ+ people (7%).

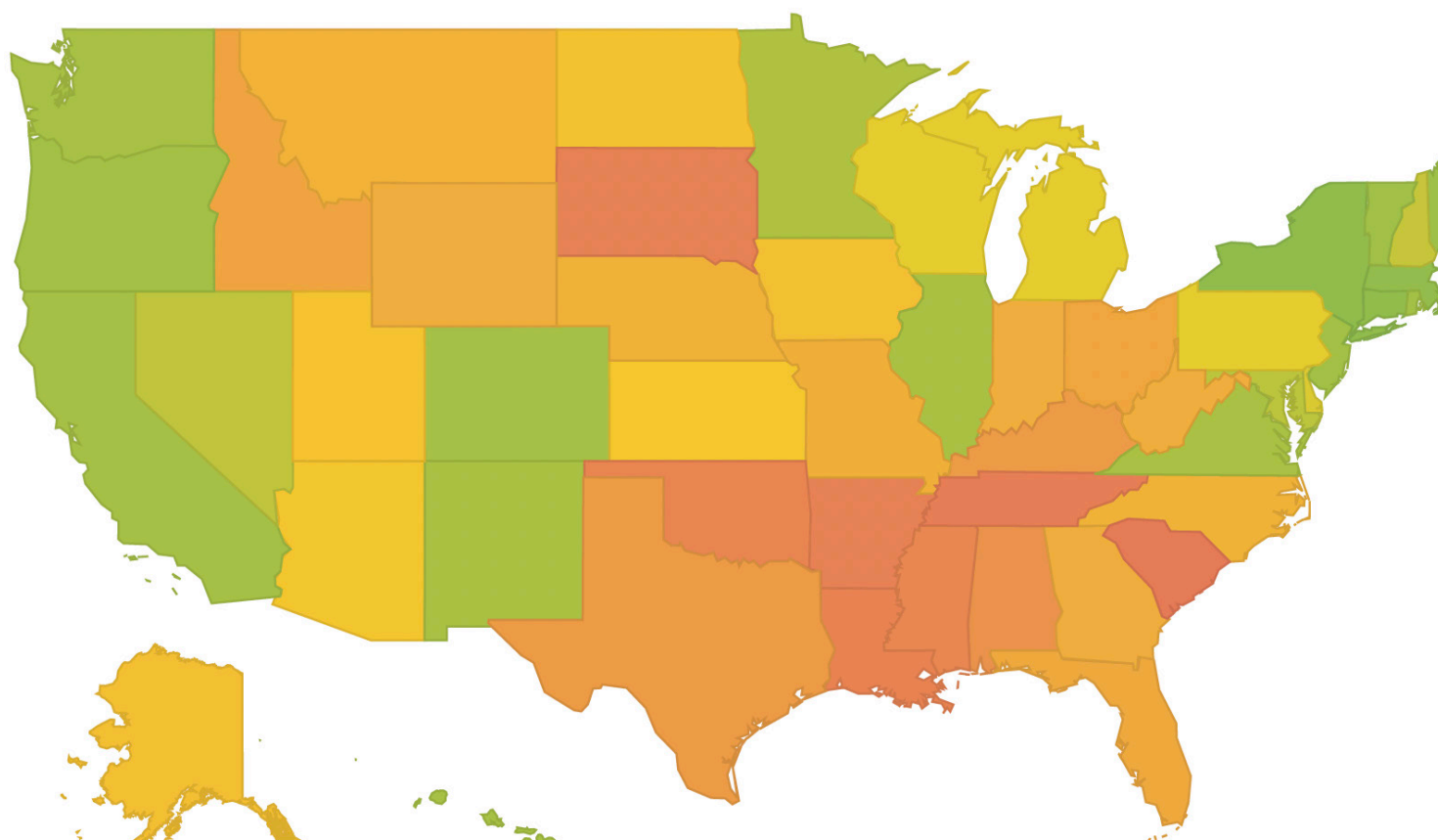
11/20

## 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.





# Mississippi Talking Points

3.5% of Mississippians identify as LGBTQ+. Conservatively, that's an LGBTQ+ personal income of \$3.97 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 \$7,782 to replace an employee in Mississippi, and it can cost up to \$239,220 to replace senior executives. Mississippi 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 Mississippi continue to foster a business environment where being inclusive is supported.

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

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



## Regional Context

# The Southeast

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.

LGBTQ+ workers in the Southeast are the most likely to be out at work (54.4%), but they are also 25% more likely to feel that covering behaviors are important for work place success. More broadly, non LGBTQ+ workers in this region preferred for businesses to demonstrate their support for the LGBTQ+ community using internal initiatives (like hiring more LGBTQ+ employees and creating more inclusive HR policies). However, this group was 57% less likely to approve of more public demonstrations of support (like withdrawing sponsorship from sporting events in less inclusive areas). LGBTQ+ workers in this region are 39% more likely to support inclusive businesses and 17% more likely to consider LGBTQ+ friendliness in making spending decisions compared to the non-LGBT workers nationwide. However, there is a perception that state leadership speaks about the LGBTQ+ community in a more negative way (39% more likely than nationwide), which could partially explain why LGBTQ+ workers in the Southeast are 19% more likely to say that they would be open to moving to a state with better LGBTQ+ support.

*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 Southeast region included: Alabama, Arkansas, Kentucky, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.



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# Current Legal Status of LGBTQ+ People in Mississippi

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

Mississippi does not have statewide legislation protecting LGBTQ+ individuals from employment, housing, or public accommodation discrimination. Four cities – Clarksdale, Jackson, Holly Springs and Magnolia – have passed local ordinances prohibiting discrimination based on sexual orientation and gender identity in private employment, housing and public accommodations. These ordinances only protect roughly 6.5% of the total population of the state.

In 2016, Mississippi passed House Bill 1523, one of the most extreme anti-LGBTQ+ laws in the United States, and it went into effect in 2017. HB1523 grants a sweeping license to deny service to LGBTQ+ people based on certain “deeply held religious beliefs.” HB 1523 also names specific beliefs that are protected by law, including the belief that marriage is between “one man and one woman” and that gender is “immutable.”

Many of Mississippi’s largest private-sector employers, including Nissan, Toyota, RPM Pizza, and Harrah’s Casino, have adopted internal anti-discrimination policies.

Mississippi state law is silent on fostering by LGBTQ+ parents, and state-licensed child welfare agencies can refuse to place and provide services to LGBTQ+ people if doing so conflicts with their religious beliefs.

Youth in foster care in Mississippi are protected from discrimination on the basis of sexual orientation or gender identity.

Mississippi doesn’t have clear and settled law on whether there’s equal parental recognition for the children of same-sex couples. The state Supreme Court ruled in 2018 that a woman has parental rights to an ex-wife’s biological offspring if the baby is born when the couple was married, indicating that a court would likely rule that married same-sex couples have the same parental rights as opposite-sex ones. Same-sex partners who conceive using donors should pursue adoption by the non-biological parent to ensure parental rights are recognized.

Mississippi was the last state in the U.S. to legalize adoption by same-sex couples, in 2016, and it only did so after a federal court struck down the

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state law prohibiting it.

The state still has a law allowing religiously affiliated placement agencies to turn away LGBTQ+ parents and refuse to place LGBTQ+ children in new homes.

Knowingly exposing someone to HIV is considered a felony, punishable by up to a decade in prison and/or a \$10,000 fine. If someone unknowingly exposes another to the disease, it's considered a misdemeanor punishable by up to a year in prison and/or a \$1,000 fine.

There are no hate crimes protections for LGBTQ+ people in Mississippi.

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## Legal Status of the Transgender Community

To update the gender marker on a Mississippi birth certificate, an individual must obtain a court order and a doctor's letter. The name and gender marker corrections are then added as marginal notations to the birth certificate (meaning the birth certificate will show both names and both genders). Mississippi requires a medical statement that attests to gender affirming (sex reassignment) surgery in order for gender change to be added as a marginal notation on a birth certificate.

To update the name or gender marker on a driver's license, applicants must submit documents demonstrating the change, like a court order or an amended birth certificate.

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## Government Statements and Actions

Gov. Tate Reeves signed into law in March 2021 a ban on trans women competing on women's sports teams in the state, the first state to do so in a lengthy line of states introducing similar bills.

Conservative lawmakers introduced the "Transgender 21" act, which would ban people under 21 from receiving gender affirming care. The bill was introduced in 2020 and died in committee.

Current Mississippi Governor Tate Reeves, elected in 2019, is a Republican and aligns with the party's stance on LGBTQ+ issues. Former Mississippi Governor Phil Bryant, a Republican, opposes employment protections for





transgender people. Bryant signed a brief in September 2018 asking the U.S. Supreme Court to rule that the 1964 Civil Rights Act "does not protect transgender people and that employers have the right to fire them for their gender identity."

After signing the state's anti-LGBTQ+ religious freedom law in 2016, and facing broad backlash nationwide as a result, Bryant said he'd rather be crucified than back down.

In February 2019, the Mississippi Senate and House leadership refused to bring to a vote a bill that would have updated Mississippi's hate crimes law to include sexual orientation, gender identity and disability.

U.S. Sen. Cindy Hyde-Smith, elected in 2018, has a history of taking anti-LGBTQ+ positions. Most famously, as the state's agriculture commissioner in 2012, objected to same-sex commitment ceremonies being held at the state-owned Agriculture and Forestry Museum.

U.S. Sen. Roger Wicker openly opposes marriage equality on his official Senate website.

# 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 Mississippi, where there are no statewide LGBTQ+ inclusive nondiscrimination or hate crimes protections and a religious freedom law was crafted specifically to allow for LGBTQ+ discrimination. The state's senators have negative voting records on LGBTQ+ issues, and the governor is openly transphobic.

## Client Risk

**5** HIGH RISK

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

## Talent Risk

**5** HIGH RISK

LGBTQ+ talent are highly likely to consider Mississippi's legal and social environment unfriendly. There is no statewide LGBTQ+ inclusive nondiscrimination law, and state lawmakers are vocally anti-LGBTQ+, both of which make working there unattractive to LGBTQ+ professionals.

## Marketing Risk

**5** HIGH RISK

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

## Future Risk

**5** HIGH RISK

Mississippi has one of the most sweeping anti-LGBTQ+ laws in the country, which passed in 2016 and has since survived court challenges. There remains a notable risk of future negative events.



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# Socio-cultural Environment of LGBTQ+ People in Mississippi

## Status of LGBTQ+ Organizing and Community

Starkville, MS, celebrated its second annual pride parade in 2019. In 2018, the city council initially rejected organizers' permit application to hold the parade, but town officials reconsidered in the face of a federal lawsuit. The 2020 parade was postponed due to COVID-19 and is being held in April 2022.

There are also annual pride events in Biloxi, Tupelo, Sioux Falls, Hattiesburg and Jackson. Most of them are less than five years old.

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## Cultural Views of the LGBTQ+ Community

In the past few years, there have been numerous transgender deaths in Mississippi, including Mercedes Williamson, Mesha Caldwell and Dee Whigham. Unless the assailant crosses state lines, the federal hate crimes law is not applicable to prosecute these as hate crimes.

A 2018 – 2019 survey of LGBTQ+ people in Mississippi found that a majority of respondents (54%) reported experiencing verbal harassment in public places, while 47% reported being victims of sexual abuse or assault

In April 2019, a straight Mississippi man was beaten so severely his jaw was broken in two places because attackers thought he was gay.







# 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.

