

LGBTQ+ Business Climate Score

Utah

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)

# Utah



### Legal & Nondiscrimination Protection

Utah's nondiscrimination laws cover sexual orientation and gender identity, but not in cases of public accommodation, or credit and lending. Both birth certificate and driver's license gender markers can be changed without surgery. Birth certificate gender marker changes no longer require a court order as of May 2021.

13<sub>/20</sub>



### Youth & Family Support

Conversion therapy is no longer legal in Utah as of 2020. Two people in a relationship –regardless of gender – must marry in order to adopt children as a couple. The state's gestational surrogacy law excludes gay men by requiring proof of a mother's inability to carry a child. There are no nondiscrimination protections for students in Utah's schools, and the state law on bullying does not specify sexual orientation or gender identity, although teachers' state guidelines do.

14.33<sub>/20</sub>





## Political & Religious Attitudes

Utah's Senator Mike Lee has an anti-LGBTQ+ voting record and speaks out against LGBTQ+ protections. The current governor of the state campaigned on an anti-LGBTQ+ platform and vetoed a pro-LGBTQ+ bill.

12<sub>/20</sub>



## Health Access & Safety

Transgender healthcare is not covered by Medicaid, and the state has no insurance nondiscrimination protections in place for either gender identity or sexual orientation. The state does not ban private insurance companies from excluding transgender healthcare coverage. New hate crimes legislation with protections for sexual orientation or gender identity was signed into law in April 2019. Deliberately exposing someone else to HIV is criminalized as a misdemeanor; the penalty could be higher if it happens in the context of illegal activity, such as sex work.

10.5<sub>/20</sub>



## Work Environment & Employment

21% of transgender employees in Utah reported being harassed in the past year due to their gender identity. 26% of LGBTQ+ individuals in Utah reported food insecurity, more than double the rate for non-LGBTQ+ individuals. More than 10% of LGBTQ+ individuals report unemployment in Utah, more than double the rate of the non-LGBTQ+ population (4%).

9<sub>/20</sub>

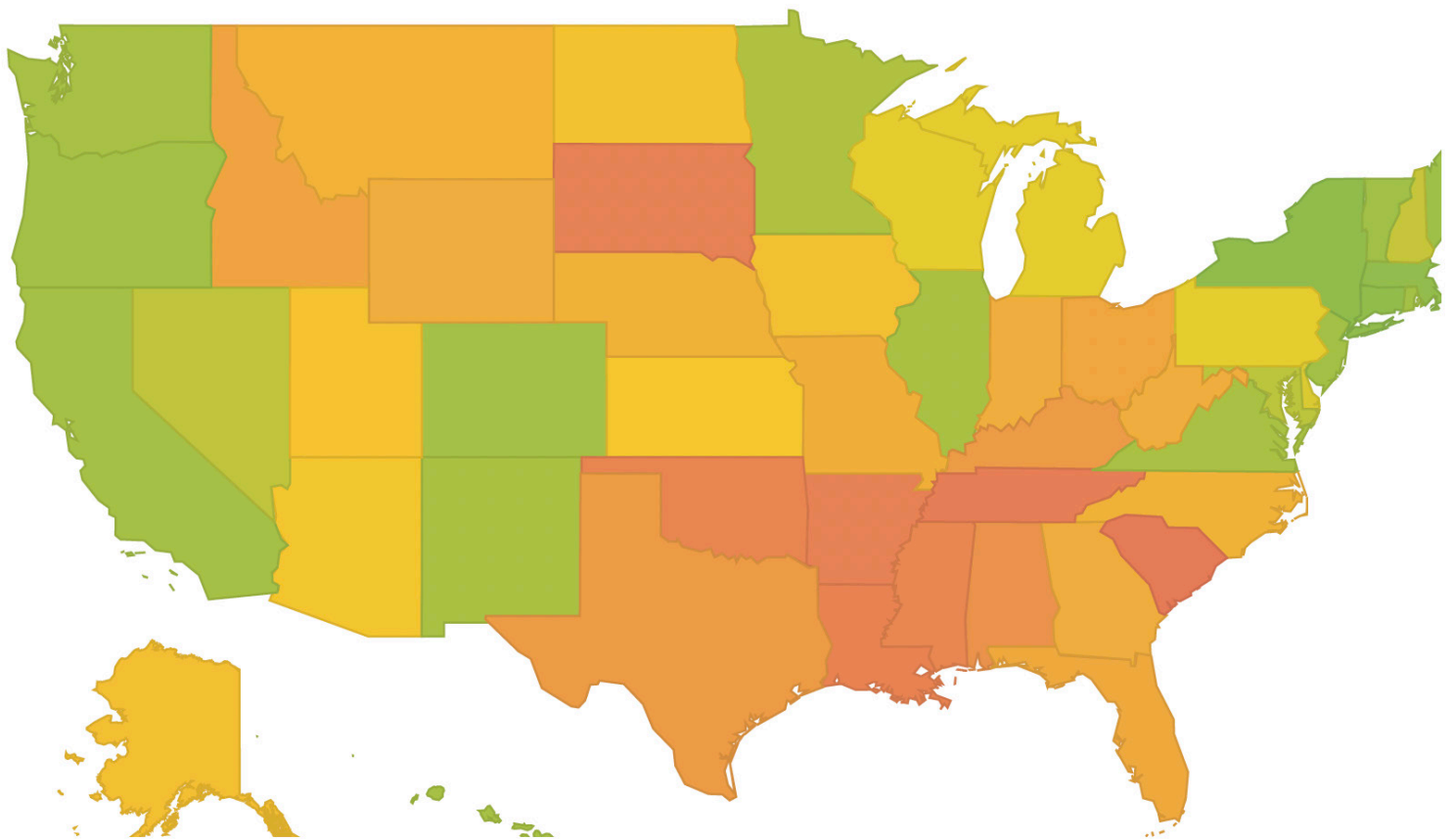
## A Note on Methodology

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.







# Utah Talking Points

3.7% of Utah residents identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$5.3 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

\$9,292 to replace an employee in Utah, and it can cost upwards of \$351,000 to replace senior executives. Utah and the businesses operating there have strong 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 Utah continue to foster a business environment where being inclusive is supported.

Utah has a regressive attitude towards trans people when it comes to healthcare and hate crimes protections. Treating trans people as unequal makes us look complicit if we choose to do business in Wisconsin — 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 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 Utah

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

The state instituted a hate crimes law inclusive of sexual orientation and gender identity in April 2019.

In March 2015, Utah's governor signed legislation banning discrimination on the basis of sexual orientation and gender identity in employment and housing, beating the Supreme Courts employment discrimination decision by five years.

In 2019, the Utah state legislature repealed provisions of the state criminal code that criminalize adultery and sodomy.

In 2019, the legislature also passed a bill listing 17 types of "personal attributes," that would trigger enhanced penalties in a criminal case. Among these attributes are sexual orientation and gender identity. The bill applies to both misdemeanors and felonies.

There are no state-wide prohibitions on discrimination on the basis of sexual orientation or gender identity in public accommodations.

Applicable rules mandate that foster parents may "not violate a foster child's right to [...]be protected from discrimination based upon the child's [...] sexual orientation," among other characteristics, but gender identity is not listed specifically among them.

In July 2015, in the wake of the U.S. Supreme Court's decision in Obergefell, a federal judge in Utah ruled that the state must allow the non-biological parent in a married female same-sex couple that conceived via a sperm donor to list her name as a parent on the child's birth certificate. Under the state's assisted reproduction statute, the husband of a woman who conceives via a sperm donor is automatically recognized as the child's parent.

Apart from the situation described above, a spouse who does not have a direct biological relationship to the child is required to pursue second-parent/stepparent adoption to obtain parental rights, regardless of whether the married couple is same-sex or different-sex.



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The state does not have any laws prohibiting adoption agencies from declining adoptive parents based on the agency's religious beliefs.

Utah does not have a state Religious Freedom Restoration Act, but it does have a Religious Land Use Act (RLUA) that prohibits governmental entities within the state from imposing or implementing land use regulations "in a manner that imposes a substantial burden on a person's free exercise of religion" minus a compelling government interest.

The state's non-discrimination law exempts religious organizations and their affiliates from the law's prohibitions on discrimination in employment and housing, including the prohibitions on discrimination on the bases of sexual orientation and gender identity. The law also prohibits employers from disciplining, retaliating against, or otherwise disadvantaging employees "for lawful expression or expressive activity outside of the workplace regarding the person's religious, political, or personal convictions, including convictions about marriage, family, or sexuality, "unless those actions directly conflict with business interests.

State law prohibits bullying in public schools and requires schools, school districts, and the State Board of Education to implement anti-bullying and anti-hazing policies. Regulations issued by the Utah State Board of Education require staff and students to be trained in the prevention and reporting of bullying based on sexual orientation and gender identity, among other characteristics.

Utah has non-discrimination laws and policies covering LGBTQ+ students on the basis of sexual orientation, but not gender identity.

Single persons who are not cohabiting may adopt, although preference is given to married couples. Single persons cohabiting in a relationship that is not a legally valid and binding marriage may not adopt.

Conversion therapy has been banned in the state since January 2020.

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## Legal Status of the Transgender Community

Individuals may legally change their gender markers on their birth certificates without a court order as of spring 2021.

Individuals may change their gender markers on state-issued IDs by presenting a valid passport or birth certificate indicating their gender.



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Individuals are not required to undergo gender confirmation surgery in order to change their gender markers on any documentation.

As of 2019, the state allows a nonbinary "X" gender marker option for IDs. There is no prohibition on discrimination on the basis of gender identity in public accommodations.

There is no explicit policy under state Medicaid rules regarding transgender health coverage and care.

There is no state law barring health insurance companies from excluding transgender care from coverage.

The state does not have a "bathroom bill" prohibiting transgender people from accessing public facilities in accordance with their gender identity. The state's non-discrimination law allows employers to designate men's and women's restrooms, as long as they provide reasonable accommodations for transgender workers.

In February 2022, HB0011 was passed that discriminated against transgender youth in participation of school sports consistent with the gender they identify with. This will take effect on July 1, 2022.

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## Government Statements and Actions

In May 2021 the state supreme court ruled that people may change gender markers on birth certificates without a court order. Previously, whether or not someone's court petition was approved depended on the personal views of the judge they were assigned.

A trans sports ban bill was defeated in the 2021 legislature after Gov. Spencer Cox said he would refuse to sign it.

In 2015, Governor Gary Herbert signed a bill making it illegal to discriminate on the basis of sexual orientation and gender identity in housing and employment.

In 2018 Senator Mike Lee placed a hold on EEOC Commissioner Chai Feldblum's nomination for a second term. He publicly specified that he opposed Feldblum, who is openly gay, because of her views on same sex marriage. Her nomination was ultimately withdrawn.

# 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

Doing business in Utah can create notable brand risk. Statewide elected officials generally uphold anti-LGBTQ+status quos.

## Client Risk

**3** MODERATE RISK

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

## Talent Risk

**4** NOTABLE RISK

Utah's LGBTQ+ inclusive nondiscrimination law aside, LGBTQ+ talent would likely consider Utah's legal and social environment to be notably unfriendly, in large part due to the unwelcoming tone struck by its statewide elected officials.

## Marketing Risk

**1** NO RISK

There's no risk to marketing to LGBTQ+ people in Utah, where the mayor of Salt Lake City is a lesbian and new hate crimes legislation covering sexual orientation and gender identity came into law in 2019.

## Future Risk

**2** LOW RISK

The state seems to have little appetite to pursue discriminatory legislation. We currently see low risk of a future negative event.

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# Socio-cultural Environment of LGBTQ+ People in Utah

## Status of LGBTQ+ Organizing and Community

The Utah Supreme Court ruled in 2019 that a married male same-sex couple's challenge to the constitutionality of the state's gestational surrogacy law is allowed to go forward, despite a lower court denying the petition. But the court didn't decide on the issue itself. The law effectively deprives male same-sex couples of the ability to have biological children through surrogacy by requiring that the couple provide evidence that the intended "mother" is medically unable to carry a child.

In October 2016, LGBTQ+-rights advocacy group Equality Utah and three plaintiffs, all public school students, filed a lawsuit against the Utah State Board of Education in the US District Court for the District of Utah, challenging state laws and regulations that prohibited positive discussion of homosexuality in schools (commonly known as "no promo homo" laws). In response, in March 2017, state lawmakers passed SB196, which removed the prohibitory language from state laws, and the plaintiffs eventually agreed to settle with the State Board of Education once the Board agreed to revise its rules in line with the new legislation.

Utah's 43rd pride parade, in 2018, saw a record of 100,000 participants. It has a COVID-safe in-person event planned for June 2021.

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## Cultural Views of the LGBTQ+ Community

In April 2019, the Mormon Church announced the reversal of a 2015 policy that deemed LGBTQ+ members apostates and barred the children of LGBTQ+ people from receiving baptisms and blessings. The reversal was extremely rapid by general church standards and reflected the mass outrage its members expressed toward the policy.

Salt Lake City's tourism division actively touts itself as an LGBTQ+-friendly destination, including links to outside news sites about the city's gay culture.





# 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.

