

LGBTQ+ Business Climate Score

# New Mexico

84.77

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)

# New Mexico



### Legal & Nondiscrimination Protection

New Mexico has comprehensive sexual orientation and gender identity discrimination protections. As of June 2019, the state no longer requires surgery for transgender people to change gender markers on their birth certificates. Changing gender on a driver's license requires submitting a Gender Designation Change Request to the DMV.



### Youth & Family Support

The state bans conversion therapy. Both members of a same-sex couple can adopt together, if they are married. New Mexico only recognizes non-gestational parents if the couple is married.





## Political & Religious Attitudes

The state's current U.S. Senators and Governor have strong pro-LGBTQ+ voting records. The state has a religious freedom law, but it is not allowed to override compliance with its human rights act.

19.20<sub>/20</sub>



## Health Access & Safety

HIV status is not criminalized in New Mexico. Hate crimes protections are inclusive of sexual orientation and gender identity. Transgender healthcare coverage is mandated for private insurers but not covered by state Medicaid.

14.5<sub>/20</sub>



## Work Environment & Employment

13% of transgender employees in New Mexico reported being harassed in the past year due to their gender identity, and 27% reported mistreatment such as being forced to use a restroom not matching their gender. 24% of LGBTQ+ individuals in New Mexico reported food insecurity, more than twice that of the non-LGBTQ+ population. LGBTQ+ unemployment (9%) is higher than that of the state population as a whole (6%).

14<sub>/20</sub>

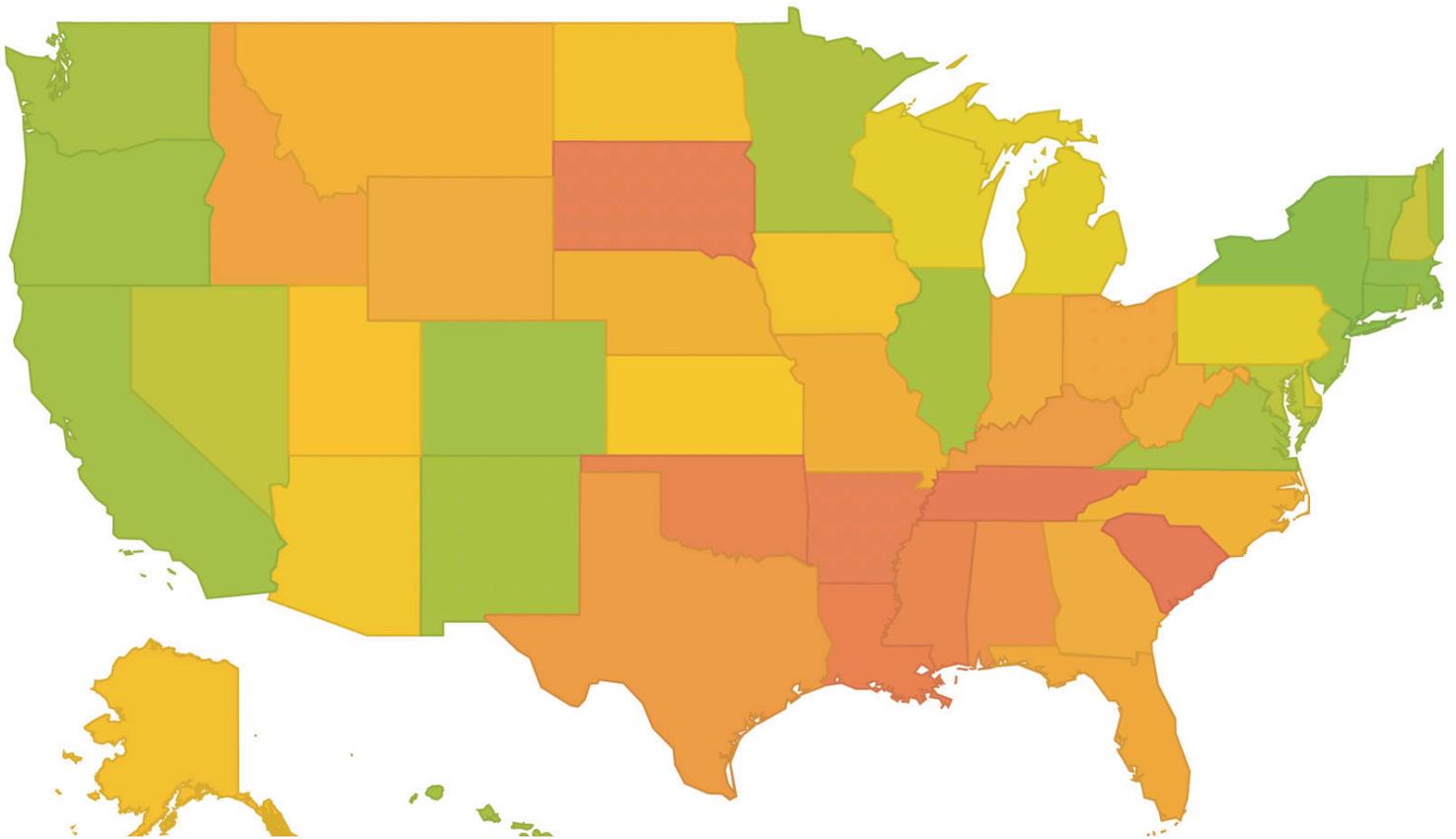
## A Note on Methodology

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.

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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.





# New Mexico Talking Points

New Mexico's comprehensive nondiscrimination law protects LGBTQ+ people, so the state is already experiencing the positive economic impacts of such policies. One estimate suggests that the state's economy may have grown 3%, or \$2.8 billion, thanks to its inclusive approach. That said, there's still a gap between policy and culture, and organizations in New Mexico have a business imperative to ensure that LGBTQ+ people feel welcome in their workplaces.

4.5% of New Mexicans identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$3.8 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 \$8,968 to replace an employee in New Mexico. The state and the businesses operating there have strong incentives to create inclusive workplaces in the interest of keeping down costs.

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 New Mexico continue to foster a business environment where being inclusive is supported.

## Regional Context

# The Southwest

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.

The Southwest region had the lowest percent of non-LGBTQ+ respondents being willing to self-identify as an ally (44%), but, surprisingly, had the highest percentage of respondents classifying as LGBTQ+ friendly (slightly over 90%). Over half of the of LGBTQ+ workers in the Southwest are out at work (54.4%, second behind the Southeast region) and LGBTQ+ workers in this region are also 14% less likely to feel they need to engage in covering behaviors around their sexual orientation at work to be successful. However, state leadership in this region is not seen as very inclusive, and workers were 36% more likely to say that their leadership speaks about LGBTQ+ in predominantly negative terms. This region was also 43% more likely to list "including visibly LGBTQ+ people in advertising and communications" as one of the top ways that business could demonstrate their support. However, the non-LGBTQ+ respondents in this region were the least likely to list public demonstrations of support as one of the top ways that businesses could express their commitment to the LGBTQ+ community. Particularly around marketing to LGBTQ+ customers and public advocacy (77% and 50% less likely respectively).

*\*\* 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 Southwest region included: Arizona, New Mexico, Oklahoma, Texas.**

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# Current Legal Status of LGBTQ+ People in New Mexico

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

The New Mexico Human Rights Act prohibits discrimination in housing, public accommodations, and consumer credit. It applies to all employers with more than 4 employees.

Discrimination based on sexual orientation is prohibited under New Mexico's administrative regulations.

Foster agencies are required to educate prospective and current foster or adoptive families on how to create a safe and supportive home environment for youth in foster care regardless of their sexual orientation, gender identity, or gender expression.

Both parents in a same-sex couple can be represented on a birth certificate.

New Mexico's Hate Crimes Act includes a sentencing enhancement if a defendant's crime was "motivated by hate." The statute extends protections to victims who were targeted because of their "actual or perceived" sexual orientation or gender identity.

Therapists and other licensed professionals are prohibited from providing conversion therapy to minors.

New Mexico permits same-sex couples — married or unmarried — as well as individuals to adopt, subject to the same requirements imposed on all prospective adoptive parents. There do not appear to be specific non-discrimination protections for prospective LGBTQ+ parents.

In 2019, New Mexico's state legislature extended bullying prevention laws to explicitly cover harassment of students on the basis of actual or perceived sexual orientation or gender identity.

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## Legal Status of the Transgender Community

As of June 2019, trans people can change the gender markers on their birth certificate by signing an affidavit.

Businesses and public facilities in New Mexico with single-occupancy

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restrooms are required to use gender-neutral signage and to make them available to any person regardless of gender identity.

A name change requires a petition to district court. Before petitioning, the individual must publish notice of the intent for two weeks unless the court finds that the publication of the name change will jeopardize the applicant's personal safety.

Trans people can amend their gender markers on driver's licenses by submitting a Gender Designation Change Request to the DMV.

New Mexico offers "male, female, and undesignated (x)" gender options on drivers licenses and birth certificates.

Coverage exclusions for gender dysphoria care violate the New Mexico Insurance Code, and coverage exclusions for gender identity or gender dysphoria-related treatment violate the New Mexico Human Rights Act. There is no explicit policy regarding transgender health coverage and care for Medicaid.

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## Government Statements and Actions

A trans women sports ban and legalization of LGBTQ+ discrimination in healthcare both failed in the state legislature in 2021, but so did a proposal to ban the gay panic defense and to mandate collection of LGBTQ+ demographic information on government documents.

There is currently a record of six openly LGBTQ+ state legislators in office.

In December 2018, Senators Martin Heinrich and Tom Udall were two of the three senators to call upon the US Immigration and Customs Enforcement and US Customs and Border Protection to release documents related to the case of a transgender Honduran woman with HIV who died in their custody.

In 2013, Heinrich became the first senator to pose for the NOH8 campaign.

As ranking member on the Subcommittee on National Parks, Heinrich welcomed the designation of the nation's first designated national monument honoring the LGBTQ+ movement in 2016.

# 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

**1** NO RISK

Companies incur no risk to their brands by operating in New Mexico, where there are comprehensive LGBTQ+ inclusive nondiscrimination protections and the state's governor and senators have strong pro-LGBTQ+ records.

## Client Risk

**1** NO RISK

There is no risk of LGBTQ+ or strong ally clients pulling their business from companies operating in New Mexico, in light of the state's business climate and reputation.

## Talent Risk

**1** NO RISK

New Mexico has strong legal frameworks protecting LGBTQ+ people, which makes working in New Mexico attractive to LGBTQ+ professionals.

## Marketing Risk

**1** NO RISK

There is no risk involved in marketing to the LGBTQ+ community in New Mexico.

## Future Risk

**1** NO RISK

New Mexico has no recent history of negative bills filed, and we would not expect that to change in the foreseeable future. We assess this state as currently having no risk of a negative, headline-making event.



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# Socio-cultural Environment of LGBTQ+ People in New Mexico

## Status of LGBTQ+ Organizing and Community

Albuquerque has had a pride parade since 1976, when about 25 people participated. Now it draws over 30,000 people. It was canceled in 2020 due to the coronavirus and held virtually in 2021. Pride Fest 2022 is scheduled to be held in June.

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## Cultural Views of the LGBTQ+ Community

New Mexico has a Religious Freedom Restoration Act that prohibits restricting a person's freedom of religion as long as their practice doesn't discriminate against other religions or hinder an essential government function.

In 2013, the New Mexico Supreme Court ruled that enforcement of the state's Human Rights Act does not violate the New Mexico Religious Freedom Restoration Act, as it is only violated if a government agency restricts a person's free exercise of religion, and a "government agency," as defined in the statute, does not include the legislature or the courts.

After Arkansas passed a host of transphobic laws in 2021, the Spurrier family, who have a trans teenager, decided to move to New Mexico. They set up a GoFundMe to help offset costs, and a group of mostly New Mexican donors gave \$14,000.





# 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.

