

Montana

LGBTQ+ Business Climate Score

out of a possible 100 points

45.17

HIGH RISK

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 outleadership.com/driving-equality/us-state-ceo-briefs/

Montana



Legal & Nondiscrimination Protection

The Legal and Nondiscrimination Protections section includes two subsections: The **Personal Legal Scale** assesses the state's laws directly impacting LGBTQ+ individuals. This includes processes for transgender people to change their gender markers on birth certificates and driver's licenses, as well as protections for individuals in housing, the workplace, public spaces, foster care, and more. **Two Nondiscrimination Protections Scales** assess the extent to which LGBTQ+ people are protected under state law. One evaluates nondiscrimination laws related to employment and the other evaluates any nondiscrimination laws related to housing, public accommodations, credit and lending.



Youth & Family Support

The Youth and Family Support section contains three subsections. The **Family Support Scale** measures how supportive the state is of LGBTQ+ people who are in or wish to start families. Elements of this scale include: the percentage of LGBTQ+ families raising children, and whether state family leave laws cover same-gender couples and allow workers to care for the children they are raising. The **Children and Youth Scale** assesses the resources available to LGBTQ+ children and youth in the state, including whether the state has non-discrimination laws and policies for LGBTQ+ students. The **Targeted Laws** section evaluates states on whether they ban discussion of same-gender marriage in schools, and whether they ban conversion therapy for minors.





Political & Religious Attitudes

The Political and Religious Attitudes section contains two subsections. Taken together, these scales assess the tone of the state's conversation around LGBTQ+ rights. The **Religious Protections Scale** assesses the extent and impacts of a state's constitutional or statutory religious exemption laws, and whether state law provides for targeted religious exemption from laws governing child welfare services, private wedding services, and the provision of medical care. The **State Leadership Scores** are Out Leadership's unique measures evaluating the state's most senior elected officials – the Governor and the two U.S. Senators – and assessing how they've represented their views of LGBTQ+ people in speeches and in their political platforms, and in terms of how they've acted with regard to laws impacting LGBTQ+ equality.

12.60_{/20}



Health Access & Safety

The Health Access and Safety section contains two subsections. The **Health Scale** assesses LGBTQ+ people's access to insurance and medical care in each state, giving particular emphasis to the most economically precarious and vulnerable members of the community. The **Safety Scale** is based on two significant laws protecting or criminalizing behaviors affecting LGBTQ+ people. It asks whether the state protects LGBTQ+ people in its hate crime laws. It also assesses whether the state criminalizes exposure to or transmission of HIV.

9.00_{/20}



Work Environment & Employment

The Work Environment and Employment section contains two subsections. The **Work Environment Scale** assesses transgender individuals' experiences at work, including incidences of verbal harassment, sexual assault, and other mistreatment. The **Employment Scale** is based on assessments of LGBTQ+ employment in the state. This scale includes the percentage of LGBTQ+ people making less than \$24,000 annually (approximately the current Federal poverty line), and the differences in unemployment rates and food insecurity between LGBTQ+ and non-LGBTQ+ identified individuals.

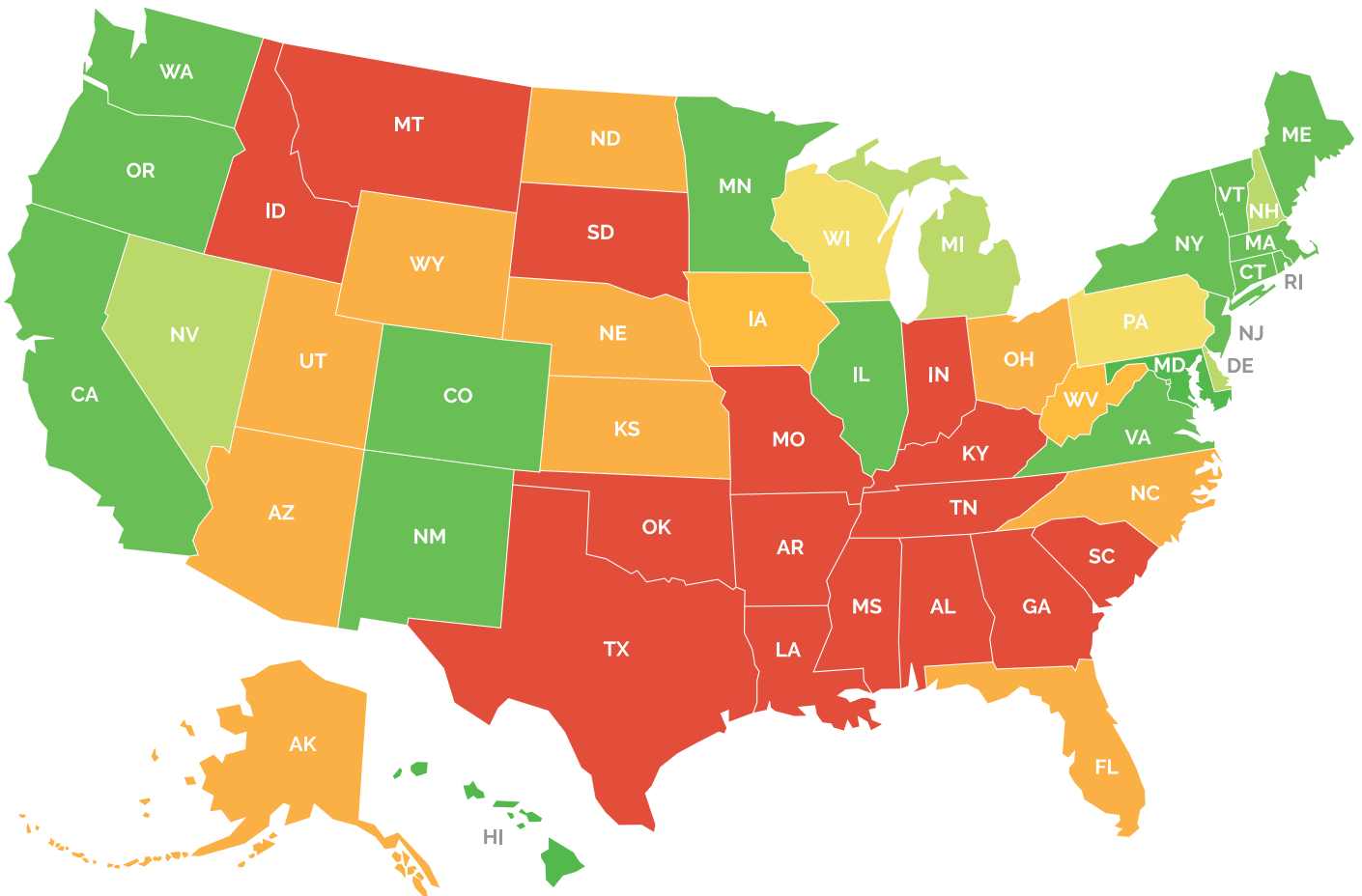
7.00_{/20}

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.





Montana Talking Points

2.9% of Montanans identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$1.45 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 \$8,480 to replace an employee in Montana, and it can cost up to \$282,000 to replace senior executives. Montana 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.

Increased hostile policy toward the LGBTQ+ community will have a negative impact on companies ability to attract and retain top talent.

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

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.

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

3

MODERATE RISK

Companies incur moderate risk to their brands by operating in Montana. The governor and one senator are vocally pro-LGBTQ+, while the other senator has an anti-LGBTQ+ voting record.

Client Risk

3

MODERATE RISK

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

Talent Risk

3

MODERATE RISK

LGBTQ+ talent might consider Montana's legal and social environment unfriendly. There are no statewide nondiscrimination and hate crimes protections for sexual orientation or gender identity, both of which could make working in Wisconsin unattractive to LGBTQ+ professionals.

Marketing Risk

4

NOTABLE RISK

There is notable risk involved in marketing to the LGBTQ+ community in Montana.

Future Risk

1

NO RISK

With a divided government, no discriminatory laws on the books, and scant few discriminatory bills filed over the years, there seems to be little appetite for such policy at this time. We assess no current risk of a negative event.





Current Legal Status of LGBTQ+ People in Montana

Legal status of the Lesbian, Gay and Bisexual Community

Montana does not have statewide legislation that explicitly protects LGBTQ+ individuals.

State employees are protected from discrimination on the basis of sexual orientation and gender identity.

Various cities in Montana have nondiscrimination ordinances that cover discrimination based on sexual orientation and gender identity in housing and employment. These include Helena, Butte, Bozeman, Missoula and Whitefish.

Juvenile detention facilities are prohibited from discriminating against youth based on sexual orientation.

Youth in foster care are protected from discrimination on the basis of sexual

orientation but not gender identity.

Any individual in Montana can legally adopt, and there's no law prohibiting joint adoption by a same-sex couple.

Adoption agencies affiliated with a particular religion can consider religious factors in placing a child.

Knowing exposure to HIV/AIDS is a misdemeanor in Montana.

Montana does not have a hate crimes law inclusive of sexual orientation or gender identity.

The state does not ban conversion therapy.

Legal Status of the Transgender Community

In April 2022, a Montana state court blocked a law that required proof of gender confirmation surgery to update the gender marker on a Montana birth certificate. Previously, the update required a correction affidavit accompanied by one of the following: a completed gender designation form issued by the state certifying that the individual has undergone gender affirmation and that the gender marker on their birth certificate should be changed accordingly; a government-issued ID displaying the correct gender marker; a court order.

To update the gender marker on a state ID, an applicant must submit a certified copy of court order granting the name change, as well as a letter from a doctor stating that the person is in the process of undergoing or has undergone a gender transition.

Transgender care is covered under Medicaid in Montana when medically necessary. The determination of medical necessity is made by the provider, and providers are specifically referred to the "Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People," published by the World Professional Association for Transgender Health.

There is not a state law requiring that insurance plans cover transgender healthcare.

Government Statements and Actions

In 2023, the Montana state senate passed a bill that would erase broad anti-discrimination protections for LGBTQ+ individuals, as well as double down on banning trans youth from participating on sports teams that correspond with their gender identity and ban same-sex marriage (which is unenforceable under federal law).

Gov. Greg Gianforte signed multiple anti-LGBTQ+ bills into law over the past few years. They included requiring surgery to change birth certificate gender markers, banning trans athletes from playing on teams aligned with their gender identity, a religious exemptions law, and a law banning schools from teaching students about sexual orientation or gender identity without parental consent.

In 2019 and 2020, liberal lawmakers introduced a bill that would have added sexual orientation and gender identity into the state's anti-discrimination protections. The bill died in committee both times.

Former Democratic Governor Steve Bullock has extended anti-discrimination protections to LGBTQ+ state employees and has been publicly supportive of LGBTQ+ rights despite helming an overall conservative state.

Bullock ordered the rainbow flag flown over the state house during pride weekend 2019 in the face of widespread opposition.

In April 2019, after Chick-fil-A's anti-LGBTQ+ stance pre-empted new restaurant locations planned for New York and Texas, former Attorney General Tim Fox invited the restaurant chain to open more locations in Montana.



Socio-cultural Environment of LGBTQ+ People in Montana

Status of LGBTQ+ Organizing and Community

The state's annual Big Sky Pride parade regularly draws thousands of people – its 30th anniversary is scheduled to take place in June 2023.

Free and Fair Montana, an LGBTQ+ activist group in the state, helped defeat a potential ballot measure in 2018 that would have brought a bathroom bill to a popular vote. Campaign organizers subsequently created the organization Transvisible to continue advocating for the transgender and nonbinary community in Montana.

Montana's Native American communities play an important role as the largest community of color in the state. The Native American vote was instrumental in getting Democratic Senator John Tester re-elected to the Senate and the Montana Two Spirit Society is the only people of color LGBTQ+ organization in Montana that has provided community building and advocacy for its Native two spirit community for 25 years.

Cultural Views of the LGBTQ+ Community

Billings, the largest city in Montana, defeated a proposed anti-discrimination ordinance in 2014. The mayor who cast the deciding vote objected to the idea of nondiscrimination in bathrooms and locker rooms. A city councilor reintroduced the idea in September 2019 but had determined by the following month that there wasn't enough support to move forward.

51% of Montanans oppose allowing religious exemptions for small businesses.
62% of Montanans favor LGBTQ+ non-discrimination protections.



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.

