

# Oklahoma

LGBTQ+ Business Climate Score

out of a possible 100 points

34.97

NOTABLE 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/](https://outleadership.com/driving-equality/us-state-ceo-briefs/)

# Oklahoma



## 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.

8.80<sub>/20</sub>



## 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.

6.50<sub>/20</sub>



## 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.

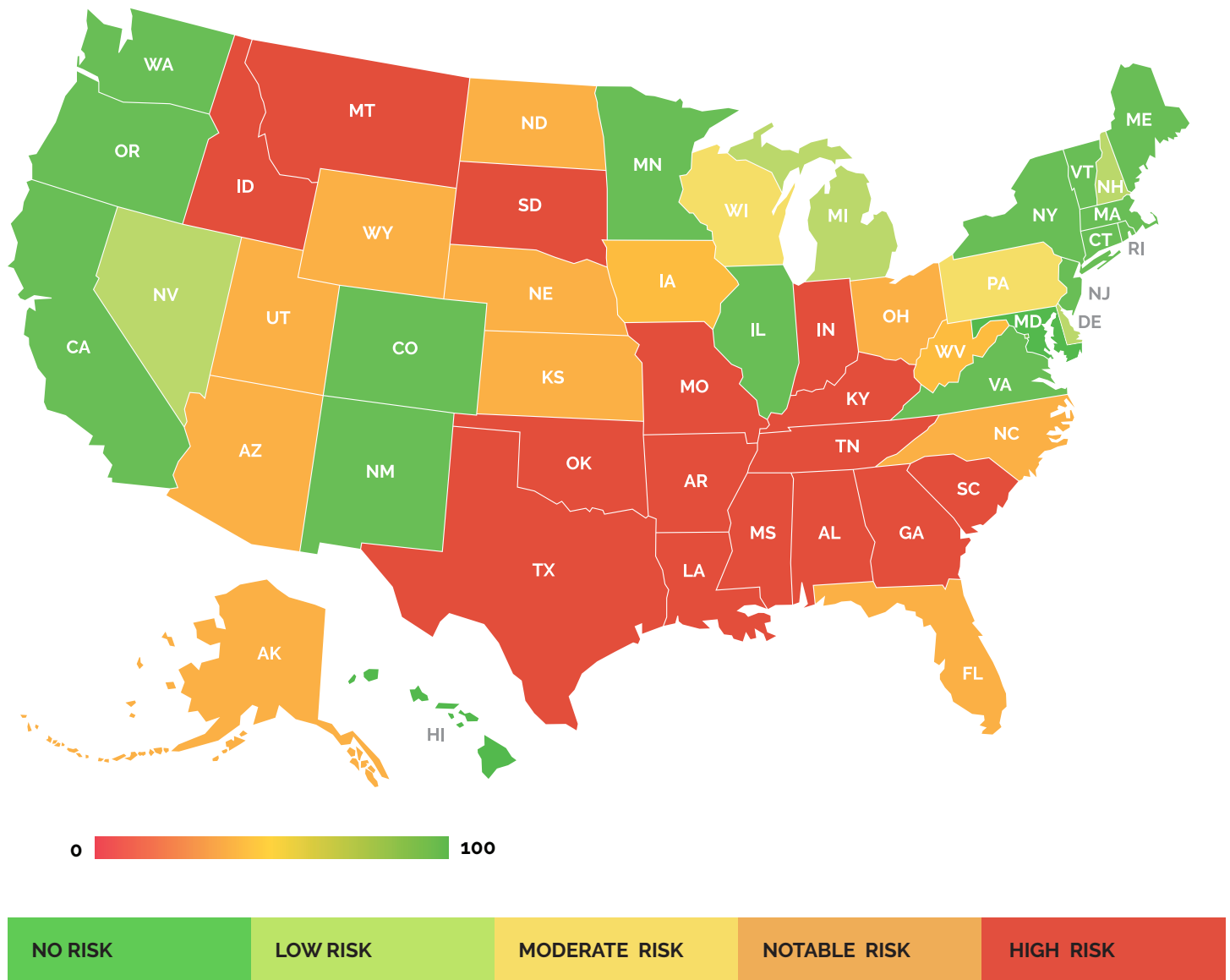
10.00<sub>/20</sub>

## 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.





# Oklahoma Talking Points

3.8% of Oklahomans identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$6.9 billion – it's a market my business can't afford to ignore.

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

LGBTQ+ people in Oklahoma face legal challenges not experienced by non-LGBTQ+ residents and state statutes do not prohibit discrimination based on sexual orientation or gender identity.

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 \$8,668 to replace an employee in Oklahoma, and it can cost up to \$335,560 to replace senior executives.

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

## Regional Context

# The Southwest

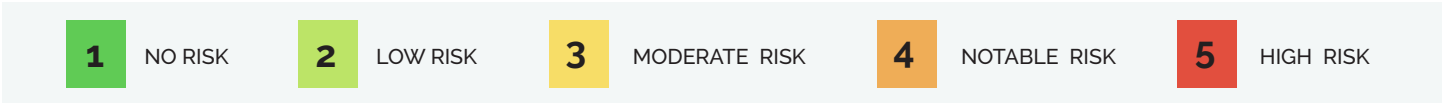
Out Leadership and FCB partnered on original market research into the attitudes of American workers on LGBTQ+ inclusion, which fielded in 2019 and 2020. These briefs as a whole will be updated on an ongoing basis by Out Leadership because we recognize the ever-changing nature of policy on the local, 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.

# Impact of LGBTQ+ Discrimination on Business Talent



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<h2>Brand Risk</h2> <p><b>5 HIGH RISK</b></p> <p>Companies incur high risk to their brands by operating in Oklahoma, where there are no statewide LGBTQ+ inclusive nondiscrimination protections and adoption agencies have specific license to discriminate on religious grounds. The state's governor and senators have negative voting records on LGBTQ+ issues, and stand vocally against LGBTQ+ interests.</p>	<h2>Client Risk</h2> <p><b>5 HIGH RISK</b></p> <p>There is notable risk of LGBTQ+ or strong ally clients pulling their business from companies operating in Oklahoma in light of the state's business climate and reputation.</p>
<h2>Talent Risk</h2> <p><b>5 HIGH RISK</b></p> <p>LGBTQ+ professionals are very likely to consider Oklahoma's legal and social environment unfriendly. There is no statewide LGBTQ+ inclusive nondiscrimination law, the state has discriminatory policies on gender marker changes and transgender healthcare, and religious organizations can treat a same-sex partnership as illegitimate, all of which make working in Oklahoma unattractive to LGBTQ+ talent.</p>	<h2>Marketing Risk</h2> <p><b>5 HIGH RISK</b></p> <p>There is notable risk involved in marketing to the LGBTQ+ community in Oklahoma, where there is no statewide LGBTQ+ inclusive nondiscrimination law, sexual orientation and gender identity are not protected under state hate crimes legislation, no statewide restrictions exist on the practice of conversion therapy, teaching about HIV prevention includes anti-LGBTQ+ sentiment, and religious freedom laws are in place.</p>
<h2>Future Risk</h2> <p><b>4 HIGH RISK</b></p> <p>Oklahoma has had dozens of discriminatory bills filed over the past several years, with one such bill becoming law to date. We consider this state to be at high risk of a future negative event.</p>	



# Current Legal Status of LGBTQ+ People in Oklahoma

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

In 2023, there are still no explicit, comprehensive statewide protections against discrimination based on gender identity or sexual orientation in Oklahoma, including for state employees and foster children. The cities of Norman, Oklahoma City, and Tulsa have local non-discrimination laws that at least partially protect against discrimination based on sexual orientation and gender identity.

After marriage equality became national law, the Oklahoma legislature passed laws protecting religious officials from civil liability based on their refusal to solemnize "any marriage that violates the official's conscience or religious beliefs." The statute also allows the religious officials to refuse individuals the opportunity to participate in religious services that are designed for married couples or couples engaged to marry, such as religious counseling programs, courses, retreats, and workshops.

Oklahoma law provides wide exemptions for discrimination against LGBTQ+ parents by private child-placement agencies. It provides that no private child-placing agency is required to assist in the placement of a child for foster care or adoption where the placement would violate the agency's written religious or moral convictions or policies.



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Oklahoma allows parents to choose the personal parental title to appear on the birth certificate (Mother, Father, or Parent).

Oklahoma has a broad religious exemption law, the Oklahoma Religious Freedom Act, which provides that a governmental entity may not substantially burden a person's free exercise of religious (even if the burden results from a rule of general applicability), unless it can demonstrate that the burden is essential to furthering a compelling governmental interest and the least restrictive means of furthering it.

In 2023, Oklahoma lawmakers have introduced 40 bills limiting LGBTQ+ Oklahomans' healthcare access, inclusion in schools and options for self-expression. For example, a new bill called the "Millstone Act of 2023" has been proposed to ban all forms of gender-affirming care for anyone under 26 years old. The bill targets healthcare providers and says anyone who violates the rule could face felony charges and have their medical license revoked.

Oklahoma HIV Education Mandate provides that all public schools must teach AIDS prevention education. The education must include specifically teaching students that "engaging in homosexual activity, promiscuous sexual activity, intravenous drug use or contact with contaminated blood products is now known to be primarily responsible for contact with the AIDS virus," and that avoiding such activities is the only method of preventing the spread of the virus<sup>1</sup>.

Exposing another person to HIV without their consent is still a crime punishable by up to five years in prison. That is, if a person has consensual sex with someone living with HIV and the partner is aware of their status, it's not considered a crime.

It's still considered a crime to engage in prostitution with an HIV-positive status, punishable by up to five years in prison. This is true even if the acts engaged in hold no risk of HIV transmission. This is a much heavier punishment than is levied on people convicted of prostitution without an HIV-positive status – they are typically charged with a misdemeanor, punishable by 30 days to a year and up to \$2,500 in fines.

Oklahoma also has a general transmission statute stating that people with "any contagious disease" who willfully expose themselves to others in "any public place or thoroughfare" may be charged with a misdemeanor and be sentenced to one year in jail and a \$500 fine.

There are no hate crimes protections covering sexual orientation or gender identity.

Conversion therapy remains legal in Oklahoma.

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## Legal Status of the Transgender Community

It requires a court order to change the name on a birth certificate in Oklahoma. And, other than in the context of marriage, adoption, or divorce, it is not possible to change a name on a driver's license without a court order.

To get a reissued birth certificate with updated gender markers in Oklahoma, an applicant must still get a court order certifying a gender change.

To change the gender markers on a driver's license, an applicant must submit: a notarized statement from a physician who performed their gender confirmation surgery attesting that the surgery is complete and irreversible.

The state Medicaid program, SoonerCare, has no policy on covering trans-related healthcare, and there's no ban excluding the coverage from private insurance.

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## Government Statements and Actions

The nation's first openly nonbinary state lawmaker, Mauree Turner, was elected to the state house in 2020. They were also the first Muslim elected to the state legislature.

In April 2022, Gov. Kevin Stitt signed the first law in the U.S. that banned gender neutral birth certificates.

Gov. Kevin Stitt also signed a law in May 2021 that prohibits mandatory diversity training for public university students regarding gender identity, sexual orientation, race stereotyping and sex stereotyping.

A bill that would ban trans kids from playing on sports teams aligned with their gender identity passed the state house shortly before the end of the 2021 legislative session, and was signed into law in March 2022.

Bills to ban conversion therapy to minors in the state have failed to gain traction in multiple sessions.

In 2018, former governor Mary Fallin passed a law allowing adoption agencies to discriminate against LGBTQ+ couples on religious grounds.

Oklahoma currently has 40 anti-LGBTQ+ bills active in the state legislature.



# Socio-cultural Environment of LGBTQ+ People in Oklahoma

## Status of LGBTQ+ Organizing and Community

Tulsa Pride, the longest-running pride event in the state, is celebrating its 40th anniversary in June 2023. It's run by the 42-year-old organization Oklahomans for Equality. There is also a pride event in Oklahoma City.

## Cultural Views of the LGBTQ+ Community

51% of Oklahomans – less than half of respondents – oppose allowing a religious exemption for small business owners that would legalize LGBTQ+ discrimination.

63% of Oklahomans favor nondiscrimination laws for the LGBTQ+ community



# 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.

