

# Alaska

LGBTQ+ Business Climate Score

out of a possible 100 points

58.00

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/)

# Alaska



## 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.

14.0/20



## 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.

9.0/20



## 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.

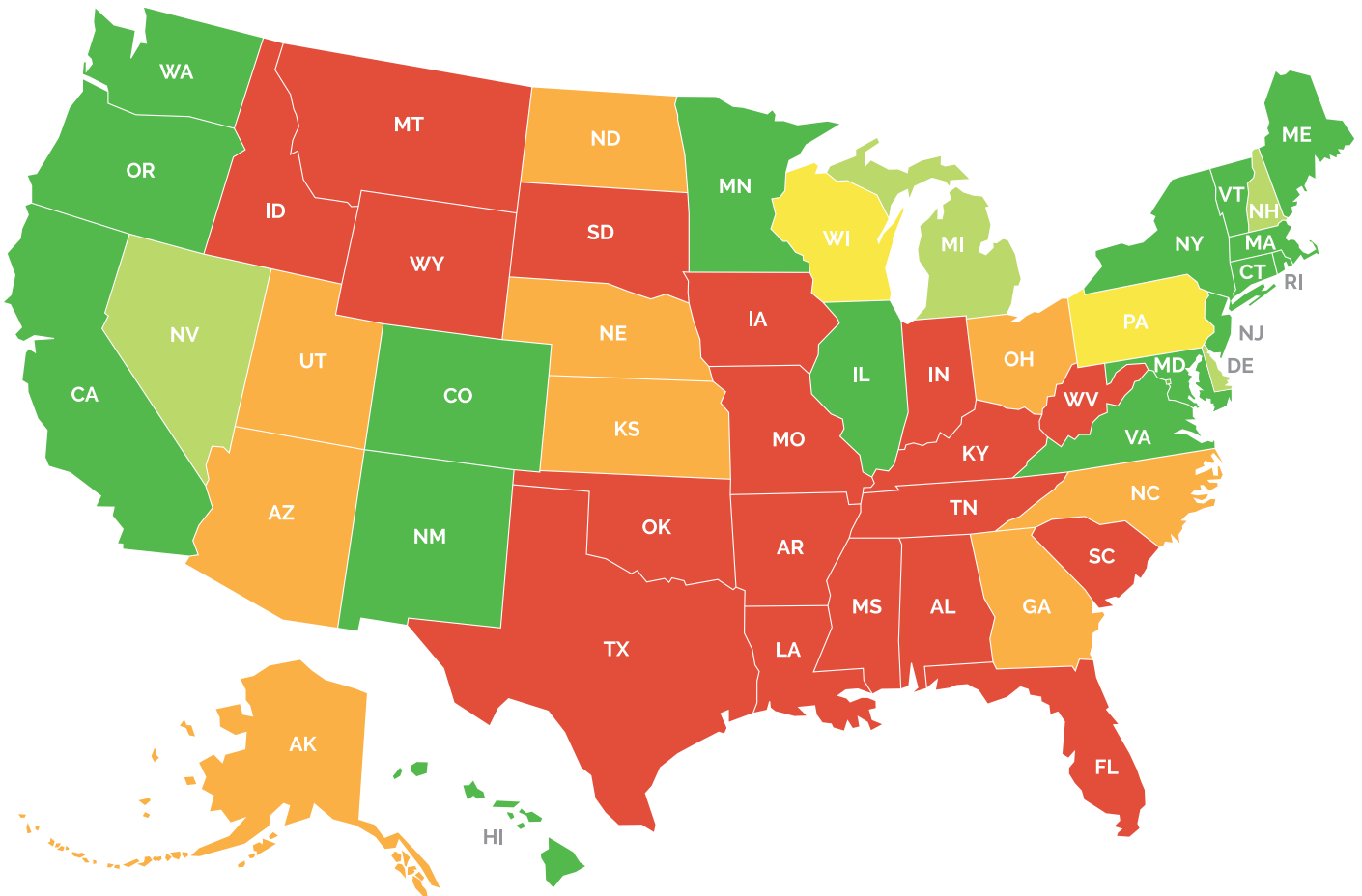
9.0/20

## 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.





# Alaska Talking Points

5.9% of Alaskans identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$1.8 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 \$11,550 to replace an employee in Alaska, and it can cost up to \$382,600 to replace senior executives. Alaska 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 a company's 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 Alaska continue to foster a business environment where being inclusive is supported.

State leaders should set a welcoming, not a stigmatizing tone for all Alaskans.

Alaska has a regressive attitude towards trans-inclusive health coverage. Treating trans people as unequal makes us look complicit if we choose to do business in Alaska – 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 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

4

NOTABLE RISK

Companies incur notable risk to their brands by operating in Alaska, where there are no statewide LGBTQ+ inclusive nondiscrimination protections.

## Client Risk

4

NOTABLE RISK

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

## Talent Risk

3

MODERATE RISK

LGBTQ+ professionals might consider Alaska's legal and social environment unfriendly. There is no statewide LGBTQ+ inclusive nondiscrimination law, and there are no provisions mandating coverage of trans healthcare, both of which could make working in Alaska unattractive to LGBTQ+ talent.

## Marketing Risk

4

NOTABLE RISK

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

## Future Risk

1

NO RISK

With a divided government and very low overall filing of discriminatory bills, there is currently no risk of a negative event in the foreseeable future. LGBTQ+ advocates also scored a major victory in Anchorage in 2018, rejecting a "bathroom" measure at the ballot.



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# Current Legal Status of LGBTQ+ People in Alaska

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

Alaska does not have a comprehensive nondiscrimination law inclusive of sexual orientation or gender identity. On a local level, the municipalities of Anchorage, Juneau, and Sitka have protections from discrimination based on sexual orientation and gender identity in the context of public and private employment, public accommodations, and housing. According to the movement advancement project, 46% of Alaskans are covered by local nondiscrimination laws.

State employees are protected from discrimination on the basis of sexual orientation and gender identity because of federal law. There are no explicit protections for youths in foster care from discrimination on the basis of sexual orientation or gender identity.

There are no explicit restrictions against same-sex couples adopting, but there are also no laws forbidding adoption agencies from discriminating against them.

Alaska does not have a religious exemption law, but there are state court decisions interpreting the state's religious liberty protections to require strict scrutiny, to a similar end.

Alaska has no statute explicitly criminalizing HIV transmission or exposure, but enhanced sentencing may be applied based on a defendant's HIV status if they are found guilty of one of several specified sex offenses (including incest and sexual offenses against minors).

Hate crime laws in the state don't cover sexual orientation or gender identity.

There is no ban on conversion therapy in Alaska.

In March 2023, the attorney general issued a notice that LGBTQ+ were no longer fully protected by non-discrimination and removed sexual orientation and gender identity from the mandatory fully covered section of nondiscrimination language and moved it to the "and in some instances" section with things like "pregnancy, parenthood and marital status"

Alaska has 6 anti LGBTQ+ bills currently introduced.



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## Legal Status of the Transgender Community

Alaskans can amend the gender markers on a birth certificate, though the original demarcation will still appear in fine print. The process requires a name change form and either a letter from a physician or a court-ordered gender-change form.

Alaskans can amend the gender markers on a driver's license. It requires a name change and either a letter signed by a clinician that the applicant has undergone appropriate treatment or an updated birth certificate, U.S. Passport, or court order for gender change.

Trans healthcare is specifically excluded from coverage under Alaska's Medicaid program. Three people sued the state in fall 2020 over the policy.

There are no laws excluding trans healthcare from insurance, but there also aren't any laws mandating or protecting it.

The case discussing anti-discrimination from Trans folks in Alaska: Fletcher v. State of Alaska is still open and has not been ruled on.

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## Government Statements and Actions

U.S. Sen. Lisa Murkowski was the third Senate Republican to publicly support marriage equality, back in 2013. Her current primary challenger, Kelly Tshibaka, is vocally homophobic and supports conversion therapy.

The city of Ketchikan passed an ordinance in July 2020 prohibiting discrimination against LGBTQ+ people within the city limits, a backlash to a local florist refusing to sell flowers for a gay wedding. The mayor vetoed it the following month. The assembly overrode the veto.

The City Council of Fairbanks, Alaska's second-largest city, passed LGBTQ+ anti-discrimination protections in February 2019, but the mayor vetoed them. Last year, the city's school district incorporated an LGBTQ+ literature course into its high school curricula.

The city of Bethel also has a non-discrimination policy for city employees.

The city of Juneau elected its first out gay city assembly member in 2019 (Greg Smith), and successfully gained a city-sanctioned and installed rainbow crosswalk downtown in 2019. While Juneau has



a non-discrimination ordinance now, there is nobody to enforce it should there be a complaint. Juneau also enjoys a robust annual Pride celebration, now in its 34th year (2020).

In March 2020, a transgender state employee won a lawsuit against Alaska's health insurance provider for not covering her gender affirmation surgery.

The State House introduced an LGBTQ+ equality bill in 2019 but is still languishing in committee.

State Attorney General Kevin Clarkson filed an amicus brief to the Supreme Court in summer 2019 in support of legalized employment discrimination against LGBTQ+ people. Clarkson has a long history of advocating for anti-LGBTQ+ discrimination.

Alaska currently has 4 anti- LGBTQ+ bills moving through there state legislator.

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# Socio-cultural Environment of LGBTQ+ People in Alaska

## Status of LGBTQ+ Organizing and Community

Some 12,000 people attended Anchorage's annual Pridefest in 2019, a record turnout for the 42-year-old event. In 2020, the event was canceled in both 2020 and 2021 due to COVID-19.

Alaska has a strong and active LGBTQ+ advocacy community. In 2018, their work helped defeat Prop. 1 in Anchorage, a ballot question proposing to roll back trans protections in the city.

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## Cultural Views of the LGBTQ+ Community

42% of Alaskans favor allowing small businesses to discriminate against LGBTQ+ people.

59% of Alaskans favor LGBTQ+ nondiscrimination laws.





# 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.

