

Georgia

LGBTQ+ Business Climate Score

out of a possible 100 points

52.40

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/

Georgia



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.

16.0/20



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.

11.0/20



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.

13.0/20

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.



Georgia Talking Points

5.1% of Georgia residents identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$18.3 billion – it's a market my business can't afford to ignore.

Nondiscrimination policies allow LGBTQ+ people to participate more fully in the economy.

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 \$9,440 to replace an employee in Georgia, and it can cost up to \$218,590 to replace senior executives. Georgia and the businesses operating there have strong incentives to create inclusive workplaces in the interest of keeping these costs down.

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 Georgia create a business environment where being inclusive is supported.

Regional Context

The Southeast

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.

LGBTQ+ workers in the Southeast are the most likely to be out at work (54.4%), but they are also 25% more likely to feel that covering behaviors are important for work place success. More broadly, non LGBTQ+ workers in this region preferred for businesses to demonstrate their support for the LGBTQ+ community using internal initiatives (like hiring more LGBTQ+ employees and creating more inclusive HR policies). However, this group was 57% less likely to approve of more public demonstrations of support (like withdrawing sponsorship from sporting events in less inclusive areas). LGBTQ+ workers in this region are 39% more likely to support inclusive businesses and 17% more likely to consider LGBTQ+ friendliness in making spending decisions compared to the non-LGBT workers nationwide. However, there is a perception that state leadership speaks about the LGBTQ+ community in a more negative way (39% more likely than nationwide), which could partially explain why LGBTQ+ workers in the Southeast are 19% more likely to say that they would be open to moving to a state with better LGBTQ+ support.

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 Southeast region included: Alabama, Arkansas, Kentucky, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

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

5

HIGH RISK

Companies face high brand risk by operating in Georgia, where there are no statewide LGBTQ+ inclusive nondiscrimination protections and the state's governor and senators have negative voting records on LGBTQ+ issues. Governor Brian Kemp ran on a campaign promise to pass a "religious freedom" law.

Client Risk

4

NOTABLE RISK

Georgia's openly homophobic lawmakers and lack of protections make choosing to do business there a notable risk. Businesses operating there could alienate clients who are engaged on LGBTQ+ issues.

Talent Risk

4

NOTABLE RISK

LGBTQ+ talent are likely to consider Georgia's legal and social environment unfriendly. There is no statewide LGBTQ+ inclusive nondiscrimination law, and the state specifically excludes trans people from healthcare coverage, making working in Georgia comparatively unattractive to LGBTQ+ talent.

Marketing Risk

5

HIGH RISK

There is high risk involved in marketing to the LGBTQ+ community in Georgia, particularly given the state government's highly publicized plan to pass a RFRA in the near future.

Future Risk

4

NOTABLE RISK

The state legislature has not passed any discriminatory laws in recent years, and overall such bill volume appears to be declining year on year. However, there continue to be high-profile calls for such legislation, and related national news coverage. There remains a notable risk of a future headline-making, discriminatory event.

Current Legal Status of LGBTQ+ People in Georgia

Legal status of the Lesbian, Gay and Bisexual Community

Georgia lacks any statewide nondiscrimination law, meaning that Georgians are vulnerable to discrimination on the basis of sex, ethnicity, and religion, as well as on the basis of sexual orientation and gender identity. However, some have been passed at the local level.

Georgia does not have any comprehensive laws protecting state employees from discrimination on the basis of sexual orientation or gender identity.

It is a felony in Georgia to knowingly expose someone to HIV without disclosure through sexual contact, needle sharing, sex work, or blood and tissue donation. If convicted, the act is punishable by up to a decade in prison.

Georgia does not have any laws which protect youth in foster care from discrimination on the basis of sexual orientation or gender identity.

Georgia does not currently permit state agencies to decline prospective adoptive parents based on religious beliefs. In 2018, the Senate passed SB 375, which would have permitted adoption agencies to decline a referral for adoption or foster care services based on "the child-placing agency's sincerely held religious beliefs," but it died in the House.

Georgia has no laws banning or restricting the practice of conversion therapy. A bill to ban it was introduced in the state house in the 2019 session but remains in limbo.

Legal Status of the Transgender Community

October 2023, Georgia settled a suit around paying for gender-affirming healthcare for a state employee. This was a profound win for the community in Georgia. Although Georgia currently does not provide statutory protections based on gender identity, the U.S. Court of Appeals for the Eleventh Circuit (which covers Georgia) ruled in 2011 that if a government agent fires a trans employee because of their gender nonconformity, that action violates the Constitution's Equal Protection Clause prohibition on sex-based discrimination.

Georgia permits changing the gender markers on a birth certificate for individuals born within the state. In order to obtain an amended birth certificate, an individual must undergo gender confirmation surgery, petition the court to apply for a name change and gender change, and submit a certified

physician's letter attesting to the fact that the individual has undergone the surgery. No therapist letter is required. Once the individual has obtained a "court order indicating the sex of an individual born in this state has been changed by surgical procedure and that such individual's name has been changed," the individual may apply to the Georgia Office of Vital Records to receive an amended birth certificate.

To update the gender marker on a Georgia driver's license or ID, an individual must submit either a court order or physician's letter certifying that the individual has had gender confirmation surgery. The court order or physician's letter must state the person's name, date of birth, date of operation and other identifying information. Neither a name change nor a therapist letter is required.

Georgia's State Medicaid policy explicitly excludes transgender health coverage and care, prohibiting coverage for, among other things, gender confirmation surgeries, hysterectomies, sterilizations, and cosmetic surgery or mammoplasties for aesthetic purposes. The policy does not appear to explicitly include or exclude hormone treatment, but drugs or procedures which are not recognized by the federal government as acceptable, standard treatment are generally excluded from coverage.

Gender affirming care is now severely limited for trans youth and young adults in Georgia.

Government Statements and Actions

Both senators for Georgia are pro-LGBTQ+ leaders and speak out on LGBTQ+ rights constantly. In 2020, Kim Jackson became Georgia's first openly LGBTQ+ state senator.

Governor Brian Kemp appointed a noted anti-LGBTQ+ activist to his transition team, alongside a gay Republican who has long opposed anti-LGBTQ+ religious freedom policies.

In 2019, the state legislature rejected SB 221, which continued an ongoing policy debate in the state: whether it should have its own version of the 1993 Religious Freedom Restoration Act. Some religious Georgians say it protects their freedom of speech, while LGBTQ+ activists say it gives people the right to discriminate against them.

Former governor Nathan Deal vetoed a state-based RFRA bill three years ago after large corporations threatened to boycott the state.

Georgia currently has 4 anti-LGBTQ+ bills working their way through the legislature. They most recently passed SB140 limiting gender-affirming care to minors in Georgia.



Socio-cultural Environment of LGBTQ+ People in Georgia

Status of LGBTQ+ Organizing and Community

October 2021 will mark Atlanta's 51st pride celebration, currently the largest pride parade in the southeast.

The Georgia Voice describes Atlanta as "arguably the hub of black LGBTQ+ life in America." According to the Williams Institute, 4.5% of the state's residents identify as LGBTQ+. However, that large LGBTQ+ population remains very racially segregated.

First City Network in Savannah is the state's oldest LGBTQ+ organization.

The small bible-belt town of Blue Ridge has famously become revitalized by an influx of LGBTQ+ people and businesses.

Cultural Views of the LGBTQ+ Community

Georgia has some of the nation's most homophobic lawmakers, like Rep. Marjorie Taylor Greene and Gov. Brian Kemp. But the state also just chose two LGBTQ-friendly senators over Republican incumbents; the voter landscape in the state is becoming more actively liberal.



Partners

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