

Idaho

LGBTQ+ Business Climate Score

out of a possible 100 points

44.07

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



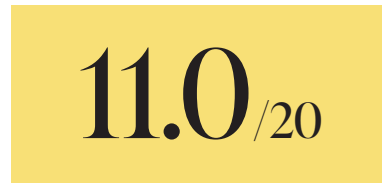
For more context around these scores, and to learn more about the criteria we used to assess how state laws, actions and attitudes toward LGBTQ+ people create business and talent risks, please visit outleadership.com/driving-equality/us-state-ceo-briefs/

Idaho



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.

7.0_{/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.

7.0_{/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.

10.0_{/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.



Idaho Talking Points

5.3% of Idaho residents identify as LGBTQ+. Conservatively, that's LGBTQ+ personal income of \$3 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 \$8,448 to replace an employee in Idaho, and it can cost up to \$201,221 to replace senior executives. Idaho 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 Idaho continue to foster a business environment where being inclusive is supported.

State leaders should set a welcoming, not a stigmatizing tone.

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

Idaho 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 Idaho – 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

5

HIGH RISK

Companies incur high risk to their brands by operating in Idaho, where there are no state wide LGBTQ+ inclusive nondiscrimination protections. The state's governor and senator have negative voting records on LGBTQ+ issues, and stand vocally against LGBTQ+ interests.

Client Risk

5

HIGH RISK

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

Talent Risk

4

HIGH RISK

LGBTQ+ professionals are likely to consider Idaho's legal and social environment unfriendly. There is no statewide LGBTQ+ inclusive nondiscrimination law or hate crimes protections, both of which make working in Idaho unattractive to LGBTQ+ talent.

Marketing Risk

5

HIGH RISK

There is notable risk involved in marketing to the LGBTQ+ community in Idaho, 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, and religious freedom laws are in and religious freedom laws are in place.

Future Risk

5

HIGH RISK

Until 2020, very few discriminatory bills were filed in recent years. However, in 2020 the legislature enacted two bills targeting transgender people, suggesting a shift in the state's risk profile to high risk of a future negative event.



Current Legal Status of LGBTQ+ People in Idaho

Legal status of the Lesbian, Gay and Bisexual Community

Idaho does not have statewide legislation that explicitly protects LGBTQ+ people from discrimination.

Idaho does not prohibit employment discrimination based on sexual orientation and gender identity.

There is no statewide legislation that protects state employees from discrimination on the basis of sexual orientation or gender identity.

A series of anti-LGBTQ+ bills targeted at schools, public access, pronoun usages and gender affirming care were passed in the last year (2023,2024).

Thirteen municipalities in Idaho have passed ordinances that prohibit discrimination based on sexual orientation and gender identity, but they vary in scope: Boise, Bellevue, Coeur d'Alene, Driggs, Hailey, Idaho Falls, Ketchum, Lewiston, Meridian, Moscow, Pocatello, Sandpont, Victor.

Idaho has a "Youth in Care Bill of Rights" that protects children in foster care against discrimination on the basis of sexual orientation and gender identity.

An unmarried same-sex partner does not have parental rights to the biological child of his or her partner under Idaho law. Same-sex couples who conceive using donors should pursue adoption by the non-biological parent to ensure parental rights are recognized.

Idaho state law does not explicitly prohibit discrimination by adoption agencies based on sexual orientation or gender identity.

The state has a religious exemption law. It states that the government "shall not substantially burden a person's exercise of religion" unless it can demonstrate that application of the burden to the person is both essential to further a compelling governmental interest and the least restrictive means of furthering that interest.

People with HIV can face felony charges, punishable by a sentence of up to 15 years and/or a fine of up to \$5,000, for failing to disclose their status to sexual partners and exposing them to "body fluid, tissue, or organs." The way the law is written, it's possible to be prosecuted for actions that can't transmit HIV, like spitting on another person.

It is a misdemeanor – punishable by up to six months in prison and/or a fine of up to \$300 – for a person with a venereal disease, including HIV, to knowingly expose another to disease.

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

Conversion therapy is legal in Idaho. A bill to ban it was introduced for a fifth time into the state house in 2021.

In 2023, Idaho passed 3 anti-LGBTQ+ bills: one banning gender-affirming healthcare for minors in the state, a second that is targeted at teaching about sexual orientation and gender identity in public schools, and one is an anti-trans bathroom bill. These are 3 of many proposed anti-LGBTQ+ bills in Idaho that will have an adverse impact on their score and overall inclusion of LGBTQ+ people in the state.

Legal Status of the Transgender Community

April 2024, the state legislature signed into law a full ban on using pronouns other than those "assigned at birth to your sex" on public documents or as a public employee.

On March 30, 2020, Governor Brad Little signed a law that prohibited birth certificate changes for transgender people as of July 1, 2020. It was

challenged in court and ultimately dismissed. No medical documentation is necessary except for minors, when the change requires a provider signature. A name change requires a court order.

To change the gender marker on a driver's license, applicants must submit an affidavit signed by a physician certifying that they have undergone appropriate clinical treatment.

Medicaid has no explicit ban on trans health coverage (there was one until 2018).

Bill HB 675 was introduced in late February of 2022, that would make it a felony for doctors to provide gender-affirming care to trans youth. This was passed by the House in early March.

The state does not have a law banning insurance providers from excluding coverage for trans healthcare.

The state employee health plan requires prior authorization for gender confirmation coverage. Prior to 2019, it was excluded altogether.

Government Statements and Actions

In 2023/24, Brad Little signed into law a series of anti-LGBTQ+ bills targeted at schools, public access, pronoun usage, and gender-affirming care.

On March 30, 2020, at the height of the COVID-19 pandemic, Governor Brad Little quietly signed a law that bans transgender women in high school and college from playing on girls' sports teams. The ACLU of Idaho filed a lawsuit challenging the sports ban, and arguments were heard in May 2021. The case has still not been ruled on.

In January 2020, State Sen. Maryanne Jordan introduced an "Add the Words" bill to add sexual orientation and gender diversity to the Idaho Human Rights Act. It's been introduced annually for over a decade and has never gotten out of committee.

In August 2019, a Ninth Circuit Court of Appeals ruled that Idaho must provide gender confirmation surgery for transgender prison inmates. Idaho Governor Brad Little said the state would appeal to the U.S. Supreme Court. The court refused to hear the case before the plaintiff's surgery deadline, so in July 2020, Adree Edmo became the second inmate in the nation to receive gender confirmation surgery.



Socio-cultural Environment of LGBTQ+ People in Idaho

Status of LGBTQ+ Organizing and Community

LGBTQ+ activist Madelynn Lee Taylor, who passed away in April 2021, was buried beside her late wife after Taylor, a veteran, spent years fighting in court for her spouse’s inclusion in a military cemetery.

Boise’s pride festival will celebrate its 34-year anniversary in 2023. “Add the Words”, a nonprofit dedicated to achieving statewide LGBTQ+ nondiscrimination protections, has unsuccessfully sought equality status for the past 17 legislative sessions.

Cultural Views of the LGBTQ+ Community

44% of Idaho residents favor allowing small businesses to discriminate against LGBTQ+ people.

71% of Idaho residents 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.

