

**Becket Fund for Religious Liberty
Issues Brief**

Same-Sex Marriage and State Anti-Discrimination Laws

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The Becket Fund is a nonprofit, interfaith, public interest law firm protecting the free expression of all religious traditions.

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Executive Summary

The Becket Fund undertook a survey of over 1000 state anti-discrimination laws to assess how those laws would affect conscientious objectors to same-sex marriage if same-sex marriage were legally recognized. We looked specifically at whether state laws prohibiting discrimination on the basis of sexual orientation, gender or marital status could be applied to penalize religious people and organizations with moral objections to same-sex marriage. The survey revealed that over 350 separate state anti-discrimination provisions would likely be triggered by recognition of same-sex marriage. The survey found that marital status and gender anti-discrimination statutes are more common than laws banning sexual orientation discrimination. Yet sexual orientation laws are also far more likely to feature religious or conscience exemptions than laws governing gender or marital status discrimination.

Based on this data, we conclude that if same-sex marriage is recognized by courts or legislatures, people and institutions who have conscientious objections to facilitating same-sex marriage will likely be sued under existing anti-discrimination laws—laws never intended for that purpose. Lawsuits will likely arise when religious people or religious organizations choose, based on their sincerely-held religious beliefs, not to hire individuals in same-sex marriages, refuse to extend spousal benefits to same-sex spouses, refuse to make their property or services available for same-sex marriage ceremonies or other events affirming same-sex marriage, or refuse to provide otherwise available housing to same-sex couples. This wide-ranging conflict between governments and conscientious citizens would take years of litigation to resolve, assuming that it could be resolved.

To avoid this conflict, we recommend that before taking steps to recognize same-sex marriage courts, legislatures, and the general public consider how to accommodate conscientious objectors. Specifically, we recommend that legislatures amend state anti-discrimination statutes now to include robust exemptions for those with religious or other conscientious objections to same-sex marriage.

I. Scope of Survey

We reviewed over 1000 different anti-discrimination provisions in all 50 states. We evaluated each statute to determine whether it might be applied to religious individuals or organizations, and whether it had an exemption for conscientious objectors. We limited our review to statutes prohibiting sexual orientation, gender, and marital status discrimination. Our review also did not include federal law, state regulations or municipal ordinances, many of which also contain sexual orientation, gender and marital status anti-discrimination provisions. We endeavored to be as comprehensive as possible, but given the large number of anti-discrimination statutes in force, some statutes may have escaped our review.

We found that over 350 anti-discrimination provisions would likely trigger liability upon legal recognition of same-sex marriage. Those laws are detailed in Appendix A to this brief.

II. Analysis of State Laws

A. Sexual Orientation Discrimination

Twenty states have laws prohibiting different types of discrimination on the basis of sexual orientation.¹ The laws vary in scope; some ban such discrimination in general, while others ban such discrimination only with regard to certain business decisions, such as housing and employment.

The broadest anti-discrimination laws prohibit discrimination in employment, commerce, public accommodations, and sales of homes and other property on the basis of actual or perceived sexual orientation. *See, e.g.*, CAL. CIV. CODE § 51; CAL. GOV. CODE §§ 12940(a), 12955. Some states, however, prohibit discrimination in more narrow ways. *See, e.g.*, IND. CODE ANN. § 22-9-1-10 (prohibiting discrimination by government contractors).

States which do not recognize same-sex marriage themselves may use sexual orientation discrimination laws to require recognition of foreign same-sex marriages. *See, e.g.*, *Martinez v. County of Monroe*, 850 N.Y.S.2d 740, 743 (N.Y. App. Div. 2008) (employer's refusal to provide health care benefits to spouse in same-sex marriage contracted in Ontario violated New York's prohibition of marital status discrimination).

Of the 20 states with laws prohibiting discrimination on the basis of sexual orientation, 19 of them² provide some type of exemption for religious institutions.³

B. Gender Discrimination

Every state prohibits gender discrimination in at least some situations. The most common areas of application are employment, real estate transactions, and access to public accommodations. Thirty-seven states have explicit religious exemptions for some forms of discrimination on the basis of gender.⁴ However, many of these exemptions are quite narrow, applying only to certain categories of religious activity. *See, e.g.*, MD. ANN. CODE art. 49B, § 16(3) (exempting religious colleges from certain employment regulations); MONT. CODE ANN. §

¹ CA, CO, CT, HI, IL, IA, ME, MD, MA, MN, NV, NH, NJ, NM, NY, OR, RI, VT, WA, WI.

² Wisconsin has broad prohibitions on sexual orientation discrimination with no exemption for religious institutions.

³ Such exemptions have been referred to as "conscience clauses." Robin Fretwell Wilson, *Matters of Conscience: Lessons for Same-Sex Marriage from the Healthcare Context*, in SAME-SEX MARRIAGE AND RELIGIOUS LIBERTY: EMERGING CONFLICTS (Anthony R. Picarello Jr., Douglas Laycock, and Robin Fretwell Wilson, eds., 2008).

⁴ AK, AZ, CA, CO, DE, FL, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MT, NE, NV, NH, NJ, NM, NY, NC, OK, PA, RI, SC, SD, TN, TX, UT, VT, WA, WY.

49-1-102 (exempting some actions of religious child placement agencies).⁵ The federal constitution and some state employment discrimination laws protect religious organizations from state-law claims of gender discrimination by “ministerial” employees such as priests or rabbis. But the “ministerial exception” does not protect religious organizations from discrimination claims from non-ministerial employees (e.g., a church secretary), or discrimination claims arising outside the employment context.⁶

By recognizing same-sex marriage without creating exemptions for conscientious objectors, states would inadvertently allow members of same-sex unions to sue religious organizations under gender discrimination laws. *See, e.g., Baehr v. Lewin*, 852 P.2d 44 (Haw. 1993) (plurality op.) (discrimination by state against same-sex marriage was form of sex-based discrimination); *In re Marriage Cases*, 183 P.3d 384, 436-40 (Cal. 2008) (evaluating but ultimately rejecting claim of gender discrimination); *cf.* WIS. STAT. § 111.36(1)(d) (defining sexual orientation discrimination as a form of gender discrimination). And because gender discrimination laws are on the books in all 50 states, moral objections to same-sex marriage could be treated as a form of gender discrimination in every state.⁷

C. Marital Status Discrimination

Thirty-three states prohibit discrimination in some situations on the basis of marital status.⁸ Most of these laws relate to employment or housing; a few relate to insurance and public accommodations.

Religious exemptions from marital status laws are not as pervasive as religious exemptions from sexual orientation laws. Of the 33 states banning marital status discrimination, only 13 provide religious exemptions from those laws.⁹ *See, e.g., 775 ILL. COMP. STAT. ANN. 5/2-101 (B)(2)* (providing that the term “employer” does not include religious institutions for purposes of discrimination on the basis of marital status).

⁵ Additionally, many states offer religious exemptions from one sort of anti-discrimination law (usually employment), but not others (such as housing or public accommodations).

⁶ *See Tomic v. Catholic Diocese of Peoria*, 442 F. 3d 1036 (7th Cir. 2006) for a discussion of the ministerial exception.

⁷ For example, Connecticut exempts religious organizations from all laws regarding sexual orientation discrimination, CONN. GEN. STAT. §§ 46(a)-81(p), 45a-726a, but it does not make a similar exemption to laws banning gender and marital status discrimination. *See, e.g., CONN. GEN. STAT. §§ 46(a)-60(a) and 46a-64* (2008) (limited exemption for organizations providing low-income housing).

⁸ States with laws prohibiting discrimination on the basis of marital status in some situations: AK, AR, CA, CO, CT, DE, FL, GA, HI, IL, ME, MD, MA, MI, MN, MO, MT, NE, NH, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SD, VT, VA, WA, WI.

⁹ States with exemptions permitting discrimination on the basis of marital status in some situations: IL, KY, NH, NJ, NM, NY, RI.

Fifteen states with no sexual orientation discrimination laws do have marital status laws, which would result in the sudden imposition of an entirely new category of anti-discrimination lawsuits if same-sex marriage were imposed.¹⁰ *Cf. Butler v. Adoption Media, LLC*, 486 F.Supp.2d 1022, 1056 (N.D. Cal. 2007) (allowing marital status claim to go forward in dispute between adoption website and same-sex couple).

The remaining 18 states have laws prohibiting discrimination on both marital status and sexual orientation. Five of those states (including Connecticut) provide exemptions from sexual orientation laws, but not from marital status laws.¹¹ If same-sex marriage is implemented in those states, religious organizations will likely lose existing exemptions. Only 11 states provide religious exemptions from both types of laws.¹²

D. Strong Exemptions and Weak Exemptions

Religious exemptions vary in strength from state to state. The strongest exemptions allow religious institutions great latitude in their employment and property rental practices. In Vermont, for example, the law permits religious institutions to take “any action with respect to matters of employment which is calculated by the organization to promote the religious principles for which it is established or maintained.” VT. STAT. ANN. tit. xxi, § 495(8)(e). The weakest exemptions as a practical matter limit the scope of the exemption to accommodate only certain religious doctrines. *See, e.g.*, R.I. GEN. LAWS § 34-37-4.2 (exempting religious institutions from Rhode Island’s prohibition on housing discrimination provided that “membership in the religion” is not restricted “on account of sex, sexual orientation, gender identity or expression”). Most commonly, religious institutions are permitted to discriminate in favor of members of their own religion. *See, e.g.*, UTAH CODE ANN. § 57-21-3(4) (permitting religious organizations to give preference to members of the same religion in the sale or rental of housing units); S.C. CODE ANN. § 1-13-80 (5) (permitting religious organizations to give preference to members of the same religion in employment practices).

These most common types of exemptions grant more freedom to religious institutions than religious individuals. In some states, prohibitions on discrimination do not apply to employers with a small number of employees or, for purposes of fair housing laws, to property owners with a small number of units on the market. *See, e.g.*, N.H. REV. STAT. ANN. § 354-A:2 (defining the term “employer” to include only those employers of fewer than six employees). Most states, however, have more limited exemptions which apply only to religious institutions. *See, e.g.*, COLO. REV. STAT. § 24-34-401 (making the state employment discrimination law applicable to every person employing persons within the state, with the exception of religious organizations not supported by tax dollars). Similarly, the ability of “parachurch” organizations (religious organizations that are not houses of worship, *e.g.* Catholic Charities) to take advantage of religious exemptions is often unclear.

¹⁰ AK, AZ, DE, FL, GA, MI, MO, MT, NE, ND, OH, OK, PA, SD, VA.

¹¹ These states are CT, ME, MN, OR, and VT.

¹² CA, CO, IL, MD, MA, NH, NJ, MN, NY, RI, WA.

Some states also have state “religious freedom restoration”¹³ laws (“RFRAs”), which means religious exemptions are more readily available than they are under the federal Free Exercise Clause. In 13 states, the state constitution provides robust conscience/religion exemptions, making it less likely that anti-discrimination laws can be applied against religious organizations and individuals. But 12 states have statutory RFRAs, which would not trump a constitutional right to same-sex marriage. Where courts announce such a right, state RFRAs are unlikely to protect religious organizations and individuals against discrimination claims relating to same-sex marriage.

IV. Recommendations

Judiciary: Because altering the legal definition of “marriage” will affect a wide variety of state and federal laws, legislatures are better equipped than courts to balance the competing rights that must be considered when crafting policy. When courts do consider same-sex marriage cases, they must take into account those competing rights and carve out robust religious exemptions.

Legislature:

1. *Federal level:* Congress should take note of the problem and hold hearings to bring attention to the conflicts between same-sex marriage and religious liberty. Congress should consider legislation that would reiterate the constitutional protections for religious freedom and provide a federal court remedy for religious organizations penalized due to their conscientious objections to same-sex marriage.
2. *State level:* State legislators should enact additional exemptions from anti-discrimination laws so that religious individuals and institutions are not forced to choose between following their consciences and following their government. In states where same-sex marriage or civil unions are permitted, legislators should take care to carve out religious exemptions when crafting those laws. In states where same-sex marriage is imposed by the judiciary, state legislators should act promptly to pre-empt burdens on religious exercise. Ideally these exemptions would be made part of the relevant state constitutions. Moreover, existing exemptions should be expanded to include religious individuals and “parachurch” organizations.

Interest and Advocacy Groups: Groups interested in either same-sex marriage or religious liberty should hold discussions and debates on the intersection of the two. These discussions will help raise public awareness of the problem and assist legislators in formulating possible solutions.

Academia: Professors and academic organizations should study the intersection of marriage and religious liberty to uncover conflicts and propose solutions. Scholarship in

¹³ These laws are so named because they mimic the federal Religious Freedom Restoration Act, which attempted to restore broad religious exemptions after the Supreme Court curtailed them in *Employment Division v. Smith*, 494 U.S. 872 (1990).

this area of the law is only beginning, and will develop as the law regarding same-sex marriage continues to change.

IV. Conclusion

Legal recognition of same-sex marriage—whether imposed by courts or enacted by legislatures—poses a great threat to the freedom of conscience that has been honored in this country since before the Founding. That threat can be mitigated by creating specific protections for religious and other conscientious objectors to same-sex marriage. Courts and especially legislatures should therefore work to ensure that any recognition of same-sex marriage is preceded by robust exemptions to anti-discrimination rules.

For a more in-depth treatment of the issue, the Becket Fund recommends SAME-SEX MARRIAGE AND RELIGIOUS LIBERTY: EMERGING CONFLICTS, in which prominent legal scholars on both sides of the same- sex marriage debate explore these issues. See <http://www.becketfund.org/index.php/article/792.html>.

Appendix A

Discrimination Statutes and Exemptions by State

Alabama

- Gender
 - Housing: ALA. CODE 1975 § 24-8-4

Alaska

- Gender
 - Employment: ALASKA STAT. § 18.80.220
 - Public Accommodations: ALASKA STAT. § 18.80.230
 - Housing: ALASKA STAT. § 18.80.240
 - Exception: “The activities of a nonprofit and noncommercial organization on a nonremunerative basis in aiding minority group members to obtain housing opportunities so as to further the purpose of this chapter are not considered a violation....” ALASKA STAT. § 18.80.215
- Marital Status
 - Employment: ALASKA STAT. § 18.80.220
 - Public Accommodations: ALASKA STAT. § 18.80.230
 - Housing: ALASKA STAT. § 18.80.240
 - Exception: “The activities of a nonprofit and noncommercial organization on a nonremunerative basis in aiding minority group members to obtain housing opportunities so as to further the purpose of this chapter are not considered a violation....” ALASKA STAT. § 18.80.215

Arizona

- Gender
 - Employment: ARIZ. REV. STAT. § 41-1463, 1464
 - Exemption for religious institutions: “This article does not apply to an employer with respect to the employment of aliens outside any state or to a religious corporation, association, educational institution or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution or society of its activities.” ARIZ. REV. STAT. § 41-1462.
 - Public Accommodations: ARIZ. REV. STAT. § 41-1442
 - Housing: ARIZ. REV. STAT. § 41-1491.14, 41-1491.20
 - Government Contracts: ARIZ. REV. STAT. § 41-3751 (religious institutions contracting with government may not discriminate on basis of gender)

- Marital Status
 - Housing: ARIZ. REV. STAT. § 41-1491.14, 41-1491.20

Arkansas

- Gender
 - Housing: ARK. CODE ANN. § 16-123-107; ARK. CODE ANN. § 16-123-204; ARK. CODE ANN. § 16-123-206
 - Employment: ARK. CODE ANN. § 16-123-107
 - Public accommodations: ARK. CODE ANN. § 16-123-107
 - Mental health services: ARK. CODE ANN. § 20-47-220

California

- Sexual Orientation
 - Public Accommodations/Commerce: *see* CAL. CIV. CODE § 51; CAL. CIV. CODE § 51.5
 - Education: CAL. EDUC. CODE § 200, 220
 - Exemption: “This article shall not apply to an educational institution that is controlled by a religious organization if the application would not be consistent with the religious tenets of that organization.” CAL. EDUC. CODE § 221
 - Education: CAL. EDUC. CODE § 66270 (postsecondary education)
 - Exemption: “This chapter shall not apply to an educational institution that is controlled by a religious organization if the application would not be consistent with the religious tenets of that organization.” CAL. EDUC. CODE § 66271.
 - Employment: CAL. GOV. CODE § 12940
 - Exemption: “Notwithstanding any other provision of this part, an employer that is a religious corporation may restrict eligibility for employment in any position involving the performance of religious duties to adherents of the religion for which the corporation is organized.” CAL. GOV. CODE § 12922.
 - Exemption: “‘Employer’ does not include a religious association or corporation not organized for private profit.” CAL. GOV. CODE § 12926.
 - Exemption: “(c) Notwithstanding subdivision (d) of Section 12926 and except as otherwise provided in subdivision (d) of this section, “employer” includes a religious corporation or association with respect to persons employed by the religious association or corporation to perform duties, other than religious duties, at a health care facility operated by the religious association or corporation for the provision of health care that is not restricted to adherents of the religion that established the association or corporation.
 “(d) “Employer” does not include a religious corporation with respect to either the employment, including promotion, of an individual of a particular religion, or the application of the employer’s religious doctrines, tenets, or teachings, in any work connected with the provision of health care.
 “(e) Notwithstanding subdivision (d) of Section 12926, “employer” does not

include a nonprofit public benefit corporation incorporated to provide health care on behalf of a religious organization under Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, with respect to employment, including promotion, of an individual of a particular religion in an executive or pastoral-care position connected with the provision of health care.

“(f)(1) Notwithstanding any other provision of law, a nonprofit public benefit corporation formed by, or affiliated with, a particular religion and that operates an educational institution as its sole or primary activity, may restrict employment, including promotion, in any or all employment categories to individuals of a particular religion.” CAL. GOV. CODE §12926.2.

- Housing/Real Estate: CAL. GOV. CODE § 12955; CAL. CIV. CODE § 53; CAL. CIV. CODE § 782.5
 - Exemption: This section does not “[p]rohibit any postsecondary educational institution, whether private or public, from providing housing accommodations reserved for either male or female students so long as no individual person is denied equal access to housing accommodations, or from providing separate housing accommodations reserved primarily for married students or for students with minor dependents who reside with them.” CAL. GOV. CODE § 12995.
- Commerce: CAL. CIV. CODE § 51.5
- Programs receiving state funding: CAL. GOV. CODE § 11135; CAL. PUB. CON. CODE § 6108 (government contracts)
- Health Care: CAL. HEALTH & SAFETY CODE § 1586.7 (adult day care)
- Gender
 - Public Accommodations: *see* CAL. CIV. CODE § 51; CAL. CIV. CODE § 51.5 (commerce-based law)
 - Education: CAL. EDUC. CODE §§ 200, 220, 221.7 (athletics), 230, 231.5;
 - Exemption: “This article shall not apply to an educational institution that is controlled by a religious organization if the application would not be consistent with the religious tenets of that organization.” CAL. EDUC. CODE § 221
 - “This chapter shall not apply to the membership practices of the Young Men's Christian Association, Young Women's Christian Association, girl scouts, boy scouts, Camp Fire, or voluntary youth service organizations which are exempt from taxation under subdivision (a) of Section 501 of the federal Internal Revenue Code of 1954, whose membership has traditionally been limited to persons of one sex, and principally to persons of less than 19 years of age.” CAL. EDUC. CODE § 223.
 - Education: CAL. EDUC. CODE § 66270 (postsecondary education)
 - Exemption: “This chapter shall not apply to an educational institution that is controlled by a religious organization if the application would not be consistent with the religious tenets of that organization.” CAL. EDUC. CODE § 66271.
 - Employment: CAL. GOV. CODE § 12940

- Exemption: “Notwithstanding any other provision of this part, an employer that is a religious corporation may restrict eligibility for employment in any position involving the performance of religious duties to adherents of the religion for which the corporation is organized.” Ann. CAL. GOV. CODE § 12922.
- Exemption: “‘Employer’ does not include a religious association or corporation not organized for private profit.” CAL. GOV. CODE § 12926.
- Exemption: “(c) Notwithstanding subdivision (d) of Section 12926 and except as otherwise provided in subdivision (d) of this section, “employer” includes a religious corporation or association with respect to persons employed by the religious association or corporation to perform duties, other than religious duties, at a health care facility operated by the religious association or corporation for the provision of health care that is not restricted to adherents of the religion that established the association or corporation.
“(d) “Employer” does not include a religious corporation with respect to either the employment, including promotion, of an individual of a particular religion, or the application of the employer’s religious doctrines, tenets, or teachings, in any work connected with the provision of health care.
“(e) Notwithstanding subdivision (d) of Section 12926, “employer” does not include a nonprofit public benefit corporation incorporated to provide health care on behalf of a religious organization under Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, with respect to employment, including promotion, of an individual of a particular religion in an executive or pastoral-care position connected with the provision of health care.
“(f)(1) Notwithstanding any other provision of law, a nonprofit public benefit corporation formed by, or affiliated with, a particular religion and that operates an educational institution as its sole or primary activity, may restrict employment, including promotion, in any or all employment categories to individuals of a particular religion.” *also* CAL. GOV. CODE § 12926.2 .
- Housing/Real Estate: CAL. GOV. CODE § 12955; CAL. CIV. CODE § 53; CAL. CIV. CODE § 782.5
 - Exemption: This section does not “[p]rohibit any postsecondary educational institution, whether private or public, from providing housing accommodations reserved for either male or female students so long as no individual person is denied equal access to housing accommodations, or from providing separate housing accommodations reserved primarily for married students or for students with minor dependents who reside with them.” CAL. GOV. CODE § 12995.
- Programs receiving state funding: CAL. GOV. CODE § 11135; CAL. PUB. CON. CODE § 6108 (government contracts) (includes gender identity)
- Commerce: CAL. BUS. & PROF. CODE § 16721; CAL. CIV. CODE § 51.5; CAL. REV. & TAX CODE §§ 6361, 6361.1 (tax exemption for certain fundraising sales)
- Health Care: CAL. HEALTH & SAFETY CODE § 1586.7 (adult day care)

- Marital Status
 - Public Accommodations: *see* CAL. CIV. CODE § 51; CAL. CIV. CODE § 51.5 (commerce-based law)
 - Employment: CAL. GOV. CODE § 12940
 - Exemption: “Notwithstanding any other provision of this part, an employer that is a religious corporation may restrict eligibility for employment in any position involving the performance of religious duties to adherents of the religion for which the corporation is organized.” CAL. GOV. CODE § 12922.
 - Exemption: “‘Employer’ does not include a religious association or corporation not organized for private profit.” CAL. GOV. CODE § 12926.
 - Exemption: “(c) Notwithstanding subdivision (d) of Section 12926 and except as otherwise provided in subdivision (d) of this section, “employer” includes a religious corporation or association with respect to persons employed by the religious association or corporation to perform duties, other than religious duties, at a health care facility operated by the religious association or corporation for the provision of health care that is not restricted to adherents of the religion that established the association or corporation.
 “(d) “Employer” does not include a religious corporation with respect to either the employment, including promotion, of an individual of a particular religion, or the application of the employer’s religious doctrines, tenets, or teachings, in any work connected with the provision of health care.
 “(e) Notwithstanding subdivision (d) of Section 12926, “employer” does not include a nonprofit public benefit corporation incorporated to provide health care on behalf of a religious organization under Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, with respect to employment, including promotion, of an individual of a particular religion in an executive or pastoral-care position connected with the provision of health care.
 “(f)(1) Notwithstanding any other provision of law, a nonprofit public benefit corporation formed by, or affiliated with, a particular religion and that operates an educational institution as its sole or primary activity, may restrict employment, including promotion, in any or all employment categories to individuals of a particular religion.” *also* CAL. GOV. CODE § 12926.2 .
 - Housing/Real Estate: CAL. GOV. CODE § 12955; CAL. CIV. CODE § 53; CAL. CIV. CODE § 782.5
 - Prohibit any postsecondary educational institution, whether private or public, from providing housing accommodations reserved for either male or female students so long as no individual person is denied equal access to housing accommodations, or from providing separate housing accommodations reserved primarily for married students or for students with minor dependents who reside with them.
 - Commerce: CAL. CIV. CODE § 51.5
 - Government contracts: CAL. PUB. CONT. CODE § 6108

Colorado

- Sexual Orientation
 - Employment: COLO. REV. STAT. § 24-34-402
 - Exemption: “‘Employer’...does not mean religious organizations or associations, except such organizations or associations supported in whole or in part by money raised by taxation or public borrowing.” COLO. REV. STAT. § 24-34-401.
 - Public Accommodation: COLO. REV. STAT. ANN § 24-34-601
 - Exemption: “Place of public accommodation” shall not include a church, synagogue, mosque, or other place that is principally used for religious purposes..” COLO. REV. STAT. § 24-34-601.
 - Housing: COLO. REV. STAT. § 24-34-502
 - Housing/tax exemption: COLO. REV. STAT. ANN. § 39-3-112 (some residential charitable housing not tax exempt if it discriminates)
 - Exemption: “[H]owever, if the owner or sponsoring organization is a religious denomination, said owners or operators may give preference to members of that denomination.” *Id.*
- Gender
 - Employment: COLO. REV. STAT. § 24-34-402
 - Exemption: “‘Employer’...does not mean religious organizations or associations, except such organizations or associations supported in whole or in part by money raised by taxation or public borrowing.” COLO. REV. STAT. § 24-34-401.
 - Housing: COLO. REV. STAT. § 24-34-502
 - Public Accommodation: COLO. REV. STAT. ANN. § 24-34-601 (public accommodations)
 - Exemption: “Place of public accommodation” shall not include a church, synagogue, mosque, or other place that is principally used for religious purposes.” COLO. REV. STAT. § 24-34-601.
 - Housing/tax exemption: COLO. REV. STAT. ANN. § 39-3-112 (some residential charitable housing not tax exempt if it discriminates)
 - Exemption: “[H]owever, if the owner or sponsoring organization is a religious denomination, said owners or operators may give preference to members of that denomination.” *Id.*
- Marital Status
 - Housing: COLO. REV. STAT. § 24-34-502
 - Public Accommodation: COLO. REV. STAT. ANN. § 24-34-601 (public accommodations)
 - Exemption: “Place of public accommodation” shall not include a church, synagogue, mosque, or other place that is principally used for religious purposes.” COLO. REV. STAT. § 24-34-601.
 - Housing/tax exemption: COLO. REV. STAT. ANN. § 39-3-112 (some residential charitable housing not tax exempt if it discriminates)

- Exemption: “[H]owever, if the owner or sponsoring organization is a religious denomination, said owners or operators may give preference to members of that denomination.” *Id.*

Connecticut

- Sexual Orientation (note: many of these also include civil union status)

- Employment: CONN. GEN. STAT. § 46(a)-81(c)
- Public Accommodations: CONN. GEN. STAT. § 46(a)-81(d)
- Housing: CONN. GEN. STAT. § 46(a)-81(e)
- Government contractors: CONN. GEN. STAT. ANN. § 4a-60a; CONN. GEN. STAT. ANN. § 46a-81i
- Exemption: “The state, foster and adoption agencies are not required to place children with homosexual or bisexual parents.” CONN. GEN. STAT. ANN. § 45a-726a.
- Professional organizations: CONN. GEN. STAT. ANN. § 46a-81b
- Exemption to all of the above: Religious Organizations
 - “The provisions of sections 4a-60a and 46a-81a to 46a-81o, inclusive, shall not apply to a religious corporation, entity, association, educational institution or society with respect to the employment of individuals to perform work connected with the carrying on by such corporation, entity, association, educational institution or society of its activities, or with respect to matters of discipline, faith, internal organization or ecclesiastical rule, custom or law which are established by such corporation, entity, association, educational institution or society.” CONN. GEN. STAT. § 46(a)-81(p).

- Gender

- Employment: CONN. GEN. STAT. § 46(a)-60(a)
- Housing: CONN. GEN. STAT. § 46(a)-64(c), CONN. GEN. STAT. ANN. § 8-2g (certain low-income housing developments)
- Public accommodations: CONN. GEN. STAT. ANN. § 46a-64
- Government contractors: CONN. GEN. STAT. ANN. § 4a-60
- Professional organizations: CONN. GEN. STAT. ANN. § 46a-59
- State facilities/contracts: CONN. GEN. STAT. ANN. § 46a-71

- Marital Status

- Employment: CONN. GEN. STAT. § 46(a)-60(a)
- Housing: CONN. GEN. STAT. § 46(a)-64(c), CONN. GEN. STAT. ANN. § 8-2g (certain low-income housing developments)
- Exemption: “The provisions of this section with respect to the prohibition of discrimination on the basis of marital status shall not be construed to prohibit

the denial of a dwelling to a man or a woman who are both unrelated by blood and not married to each other.” CONN. GEN. STAT. ANN. § 46a-64(b)(1).

- Public accommodations: CONN. GEN. STAT. ANN. § 46a-64
- Government contractors: CONN. GEN. STAT. ANN. § 4a-60
- State facilities/contracts: CONN. GEN. STAT. ANN. § 46a-71

Delaware

- Gender
 - Housing: DEL. CODE ANN. tit. vi, §§ 4601-06, 4619
 - Public Accommodations: DEL. CODE ANN. tit. vi, §§ 4501-04
 - Employment: DEL. CODE ANN. tit. xix, § 711
 - Exemption: “It shall not be an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society or if the curriculum of such school, college, university or other educational institution or institution of learning is directed toward the propagation of a particular religion.” *Id.*
 - Government contractors: DEL. CODE ANN. tit. xxix, § 6519A
- Marital Status
 - Public Accommodations: DEL. CODE ANN. tit. vi, §§ 4501-04
 - Housing: DEL. CODE ANN. tit. vi, §§ 4601-06, 4619
 - Employment: DEL. CODE ANN. tit. xix, § 711
 - Exemption: “It shall not be an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society or if the curriculum of such school, college, university or other educational institution or institution of learning is directed toward the propagation of a particular religion.” *Id.*

Florida

- Gender
 - Employment: FLA. STAT. ANN. § 760.10
 - Exemption: “This section shall not apply to any religious corporation, association, educational institution, or society which conditions opportunities in the area of employment or public accommodation to members of that religious corporation, association, educational institution, or society or to persons who subscribe to its tenets or beliefs. This section shall not prohibit a

religious corporation, association, educational institution, or society from giving preference in employment to individuals of a particular religion to perform work connected with the carrying on by such corporations, associations, educational institutions, or societies of its various activities.” FLA. STAT. ANN. § 760.10.

- State employees’ charitable campaign: FLA. STAT. ANN. § 110.181
- Housing: FLA. STAT. ANN. § 760.23; FLA. STAT. ANN. § 760.25
- Health Care: FLA. STAT. ANN. § 468.1755 (licensed nursing homes)

- Marital Status

- General: FLA. STAT. ANN. § 760.01
- Employment: FLA. STAT. ANN. § 760.10
Public accommodations: FLA. STAT. ANN. § 760.08, § 760.60 (large private clubs)
- Housing: FLA. STAT. ANN. § 760.23; FLA. STAT. ANN. § 760.25

Georgia

- Gender

- Housing: GA. CODE ANN. § 8-3-202

- Marital Status

- Housing: GA. CODE ANN. § 8-3-202

Hawaii

- Sexual Orientation

- Public accommodation: HAW. REV. STAT. § 489-3
- Housing: HAW. REV. STAT. § 5 15-3
 - Exemption: “Nothing in section 515-3 shall be deemed to prohibit refusal, because of sex, including gender identity or expression, sexual orientation, or marital status, to rent or lease housing accommodations: (1) Owned or operated by a religious institution and used for church purposes as that term is used in applying exemptions for real property taxes; or (2) Which are part of a religiously affiliated institution of higher education housing program which is operated on property that the institution owns or controls, or which is operated for its students pursuant to Title IX of the Higher Education Act of 1972.” HAW. REV. STAT. § 515-4

- Gender

- Public accommodation: HAW. REV. STAT. § 489-3
- Housing: HAW. REV. STAT. § 5 15-3
- Users of public lands: HAW. REV. STAT. § 171-64
- Education: HAW. REV. STAT. § 302A-1001 (education and recreation using state facilities or funds)

- Marital Status

- Housing: HAW. REV. STAT. § 5 15-3

Idaho

- Gender

- Public Accommodation: IDAHO CODE ANN. § 18-7301(2), IDAHO CODE ANN. § 18-7303 (criminal penalty)
- Employment: IDAHO CODE ANN. § 18-7301(1); IDAHO CODE ANN. § 18-7303 (criminal penalty);
- Employment: IDAHO CODE ANN. § 67-5 909
- Public Accommodation: IDAHO CODE ANN. § 67-5909
 - Exception: “[U]nless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages or accommodations being offered.” *Id.*
- Education: IDAHO CODE ANN. § 67-5909
- Housing: IDAHO CODE ANN. § 67-5909
- Health Care: IDAHO CODE ANN. § 16-2402 (children’s mental health services)

Illinois

- Sexual Orientation

- Employment: 775 ILL. COMP. STAT. 5/2-102
 - Exemption: “‘Employer’ does not include any religious corporation, association, educational institution, society, or non-profit nursing institution conducted by and for those who rely upon treatment by prayer through spiritual means in accordance with the tenets of a recognized church or religious denomination with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, society or non-profit nursing institution of its activities.” 775 ILL. COMP. STAT. 5/2-101.
- Public accommodations: 775 ILL. COMP. STAT. 5/5-102
 - Exception: “public accommodation” only applies to “non-sectarian” schools. 775 ILL. COMP. STAT. 5/5-101(a)(11).
- Housing: 775 ILL. COMP. STAT. 5/3-102
- Government contracts: 775 ILL. COMP. STAT. 5/2-105; 775 ILL. COMP. STAT. 10/1; 775 ILL. COMP. STAT. 25/2

- Gender

- Employment: 775 ILL. COMP. STAT. 5/2-102
 - Exemption: “‘Employer’ does not include any religious corporation, association, educational institution, society, or non-profit nursing institution conducted by and for those who rely upon treatment by prayer through spiritual means in accordance with the tenets of a recognized church or religious denomination with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such

corporation, association, educational institution, society or non-profit nursing institution of its activities.” 775 ILL. COMP. STAT. 5/2-101.

- Housing: 775 ILL. COMP. STAT. 5/3-102
- Government contracts: 775 ILL. COMP. STAT. 5/2-105; 775 ILL. COMP. STAT. 10/1; 775 ILL. COMP. STAT. 25/2

- Marital Status

- Employment: 775 ILL. COMP. STAT. 5/2-102
 - Exemption: ““Employer” does not include any religious corporation, association, educational institution, society, or non-profit nursing institution conducted by and for those who rely upon treatment by prayer through spiritual means in accordance with the tenets of a recognized church or religious denomination with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, society or non-profit nursing institution of its activities.” 775 ILL. COMP. STAT. 5/2-101.
- Government contracts: 775 ILL. COMP. STAT. 5/2-105; 775 ILL. COMP. STAT. 10/1; 775 ILL. COMP. STAT. 25/2
- Housing: 775 ILL. COMP. STAT. 5/3-102

Indiana

- Gender

- Housing: IND. CODE ANN. § 22-9.5-5-1
- Education, Employment, Public Accommodation, Housing: IND. CODE ANN. § 22-9-1-2 (calls for implementation by state commission; may require administrative regulations to become actionable)
 - Exception: “[I]t shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one (1) sex only.” IND. CODE ANN. § 22-9-1-3(q)(3).
- Government contractors: IND. CODE ANN. § 22-9-1-10

Iowa

- Sexual Orientation

- Employment: IOWA CODE § 216.6
 - Exemption: The provision does not apply to “any bona fide religious institution or its educational facility, association, corporation, or society with respect to any qualifications for employment based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or an administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification.” IOWA CODE § 216.6(6)(d).

- Public Accommodations: IOWA CODE § 216.7
 - Exemption: “Any bona fide religious institution with respect to any qualifications the institution may impose based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose.” IOWA CODE § 216.7(2)(a).
- Housing: IOWA CODE § 216.8
 - Exemption: “The provision does not apply to “any bona fide religious institution with respect to any qualifications it may impose based on religion, sexual orientation, or gender identity, when the qualifications are related to a bona fide religious purpose unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of race, color, or national origin.” IOWA CODE § 216.12 (1)(a).
- Education: IOWA CODE § 216.9
 - Exemption: “Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.” IOWA CODE § 216.9 (d)(2).
- Gender
 - Employment: IOWA CODE § 216.6; IOWA CODE ANN § 729.4 (criminal penalty)
 - Exemption: “The provision does not apply to “any bona fide religious institution or its educational facility, association, corporation, or society with respect to any qualifications for employment based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose. A religious qualification for instructional personnel or an administrative officer, serving in a supervisory capacity of a bona fide religious educational facility or religious institution, shall be presumed to be a bona fide occupational qualification.” IOWA CODE § 216.6(6)(d).
 - Public Accommodations: IOWA CODE § 216.7
 - Exemption: “Any bona fide religious institution with respect to any qualifications the institution may impose based on religion, sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose.” IOWA CODE § 216.7(2)(a).
 - Housing: IOWA CODE § 216.8
 - Exemption: “The provision does not apply to “any bona fide religious institution with respect to any qualifications it may impose based on religion, sexual orientation, or gender identity, when the qualifications are related to a bona fide religious purpose unless the religious institution owns or operates property for a commercial purpose or membership in the religion is restricted on account of race, color, or national origin.” IOWA CODE § 216.12 (1)(a).
 - Education: IOWA CODE § 216.9
 - Exemption: “Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion,

sexual orientation, or gender identity when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.” IOWA CODE § 216.9 (d)(2).

Kansas

- Gender
 - Employment: KAN. STAT. ANN. § 44-1009
 - Exemption: “(b) ‘Employer’ includes any person in this state employing four or more persons and any person acting directly or indirectly for an employer, labor organizations, nonsectarian corporations, organizations engaged in social service work and the state of Kansas and all political and municipal subdivisions thereof, but shall not include a nonprofit fraternal or social association or corporation.” KAN. STAT. ANN. § 44-1002
 - Housing/Sale of Property: KAN. STAT. ANN. § 44-1016, 1017
 - Insurance: KAN. STAT. ANN. § 40-3510 (mortgage insurance)
 - Public accommodations: KAN. STAT. ANN. § 44-1001-1002
 - Exemption: “This term shall not apply to a religious or private fraternal and benevolent association or corporation.” KAN. STAT. ANN. § 44-1002.

Kentucky

- Gender
 - Government contractors: KY. REV. STAT. ANN. § 45.570
 - Education: KY. REV. STAT. ANN. § 344.555
 - Exemption: “This section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of the organization.” *Id.*
 - Employment: KY. REV. STAT. ANN. § 344.020 (general)
 - Exemption: does not apply to:
 - “(1) An employer to hire and employ employees, or an employment agency to classify, or refer for employment an individual, for a labor organization to classify its membership or to classify or refer for employment an individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ an individual in any such program, on the basis of his religion or national origin in those certain instances where religion or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.
 - “(2) A religious corporation, association, or society to employ an individual on the basis of his religion to perform work connected with the carrying on by such corporation, association, or society of its religious activity.
 - “(3) A school, college, university, or other educational institution to hire and employ employees of a particular religion if the school, college,

university, or other educational institution is, in whole or substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution is directed toward the propagation of a particular religion and the choice of employees is calculated by such organization to promote the religious principles for which it is established or maintained.” KY. REV. STAT. ANN. § 344.090.

- Housing: KY. REV. STAT. ANN. § 344.360
 - The provision does not apply to “The YMCA, YWCA, and similar type single sex dormitory rental properties, including, but not limited to, those dormitories operated by institutions of higher education; (2) A landlord who refused to rent to an unmarried couple of opposite sex;” KY. REV. STAT. ANN. § 344.362.

Louisiana

- Gender
 - Public accommodations: LA. REV. STAT. ANN. § 49:146; LA. REV. STAT. ANN. § 51:2247
 - Employment: LA. REV. STAT. ANN. § 23:332
 - Exemption: “(2) A school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.” LA. REV. STAT. ANN. § 23:332 (H)(2).
 - (b) “Employment of an individual by a private educational or religious institution or any nonprofit corporation, or the employment by a school, college, university, or other educational institution or institution of learning of persons having a particular religion if the school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, other educational institution, or institution of learning is directed toward the propagation of a particular religion.” LA. REV. STAT. ANN. § 23:302
 - Housing: LA. REV. STAT. ANN. § 51:2602; *see also* LA. REV. STAT. ANN. § 51:2606, 51:2607
 - Exemption: “Nothing in this Chapter shall prohibit a religious organization, Nursing Homes: LA. REV. STAT. ANN. § 40:2155
 - Government contractors: LA. REV. STAT. ANN. § 46:437.11 (medical assistance programs)

- Social Services: LA. REV. STAT. ANN. § 46:1409 (child care/child placement facilities)

Maine

- Sexual Orientation
 - Employment: ME. REV. STAT. ANN. tit v, § 4571, 4572
 - Exemption: “‘Employer’ includes any person in this State employing any number of employees, whatever the place of employment of the employees, and any person outside this State employing any number of employees whose usual place of employment is in this State; any person acting in the interest of any employer, directly or indirectly; and labor organizations, whether or not organized on a religious, fraternal or sectarian basis, with respect to their employment of employees. "Employer" does not include a religious or fraternal corporation or association, not organized for private profit and in fact not conducted for private profit, with respect to employment of its members of the same religion, sect or fraternity, except for purposes of disability-related discrimination, in which case the corporation or association is considered to be an employer.” ME. REV. STAT. ANN. tit v, § 4553(4).
 - Housing: ME. REV. STAT. ANN. tit v, § 4581, 4582
 - Public Accommodations: ME. REV. STAT. ANN. tit v, § 4591, 4592
 - Education: ME. REV. STAT. ANN. tit v, § 4601, 4602
 - Exemption: “The provisions in this subsection relating to sexual orientation do not apply to any education facility owned, controlled or operated by a bona fide religious corporation, association or society.” ME. REV. STAT. ANN. tit v, § 4602(4).
 - General exemption to the above: “Discrimination in employment, housing, public accommodation, credit and educational opportunity on the basis of sexual orientation, except that a religious corporation, association or organization that does not receive public funds is exempt from this provision with respect to:
 - (1) Employment, as is more fully set forth in section 4553, subsection 4 and section 4573-A;
 - (2) Housing, as is more fully set forth in section 4553, subsection 6, paragraph C; and
 - (3) Educational opportunity, as is more fully set forth in section 4602, subsection 4.
 Any for-profit organization owned, controlled or operated by a religious association or corporation and subject to the provisions of the Internal Revenue Code, 26 United States Code, Section 511(a) is not covered by the exemptions set forth in this paragraph.” ME. REV. STAT. ANN. tit v, § 4553.
- Gender
 - Public contractors: 5 ME. REV. STAT. ANN § 784
 - Employment: ME. REV. STAT. ANN. tit v, § 4571, 4572

- Exemption: “‘Employer’ includes any person in this State employing any number of employees, whatever the place of employment of the employees, and any person outside this State employing any number of employees whose usual place of employment is in this State; any person acting in the interest of any employer, directly or indirectly; and labor organizations, whether or not organized on a religious, fraternal or sectarian basis, with respect to their employment of employees. "Employer" does not include a religious or fraternal corporation or association, not organized for private profit and in fact not conducted for private profit, with respect to employment of its members of the same religion, sect or fraternity, except for purposes of disability-related discrimination, in which case the corporation or association is considered to be an employer.” ME. REV. STAT. ANN. tit v, § 4553(4).
 - Housing: ME. REV. STAT. ANN tit v, § 4581, 4582
 - Public Accommodations: ME. REV. STAT. ANN tit v, § 4591, 4592
 - Education: ME. REV. STAT. ANN. tit v, § 4601, 4602
- Marital Status
- Education: 5 ME. REV. STAT. ANN. § 4602

Maryland

- Sexual Orientation
- Employment: MD. CODE ANN. art. 49B, § 14, 16
 - Exemption: Provision does not apply to educational institutions owned by religious bodies. MD. CODE ANN. art. 49B, § 16(3)
 - Exemption: Provision does not apply to “A religious corporation, association, educational institution or society with respect to the employment of individuals of a particular religion or sexual orientation to perform work connected with the carrying on by such corporation, association, educational institution or society of its activities.” MD. CODE ANN. art. 49B, § 18(2).
 - Housing: MD. CODE ANN. art. 49B, § 22
 - Public Accommodations: MD. CODE ANN., art. 49B, § 5
 - Government contractors: MD. CODE ANN., STATE FIN. & PROC. § 19-114
 - Commerce: MD. CODE ANN., Art. 49B, § 8 (licensed businesses)
- Gender
- Employment: MD. ANN. CODE art. 49B, §§ 14, 16
 - Exemption: Provision does not apply to educational institutions owned by religious bodies. MD. ANN. CODE art. 49B, § 16(3).
 - Housing: MD. ANN. CODE art. 49B, § 22
 - Public Accommodations: MD. CODE ANN. art. 49B, § 5
 - Social services: MD. CODE ANN., HEALTH OCC. § 19-311 (licensed social workers)
 - Insurance: MD. CODE ANN., INS. § 27-501
 - Government contractors: MD. CODE ANN., STATE FIN. AND PROC. § 19-114

- Commerce: MD. CODE ANN., Art. 49B, § 8 (licensed businesses)
- Commercial property: MD. CODE ANN., Art. 49B, § 8A
- Marital Status
 - Credit: MD. CODE ANN., COM. LAW § 12-305, 12-503, 12-704
 - Employment: MD. ANN. CODE art. 49B, § 14, 16
 - Exemption: Provision does not apply to educational institutions owned by religious bodies. MD. ANN. CODE art. 49B, § 16(3).
 - Housing: MD. ANN. CODE art. 49B, § 22
 - Public Accommodations: MD. ANN. CODE art. 49B, § 5
 - Social services: MD. CODE ANN., HEALTH OCC. § 19-311 (social workers license)
 - Government contracts: MD. CODE ANN., STATE FIN. & PROC. § 19-114
 - Business licenses: MD. CODE ANN, Art. 49B, § 8 (license holders can't discriminate)
 - Commercial property: MD. CODE ANN, Art. 49B, § 8A

Massachusetts

- Sexual Orientation
 - Insurance: MASS. ANN. LAWS ch. 175, § 4C (homeowners)
 - Public Accommodations: MASS. ANN. LAWS ch. 272, § 92A; MASS. ANN. LAWS ch. 272, § 98 (criminal penalty)
 - Housing: MASS. ANN. LAWS ch. 151B, § 4
 - Employment: MASS. ANN. LAWS ch. 151B, § 4
 - Exemption: "Notwithstanding the provisions of any general or special law nothing herein shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, and which limits membership, enrollment, admission, or participation to members of that religion, from giving preference in hiring or employment to members of the same religion or from taking any action with respect to matters of employment, discipline, faith, internal organization, or ecclesiastical rule, custom, or law which are calculated by such organization to promote the religious principles for which it is established or maintained." MASS. GEN. LAWS ANN. 151B § 1(5).
- Gender
 - Housing: MASS. ANN. LAWS ch. 151B, § 4
 - Employment: MASS. ANN. LAWS ch. 151B, § 4
 - Exemption: "Notwithstanding the provisions of any general or special law nothing herein shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, and which limits membership, enrollment, admission, or participation to members of that religion, from giving preference in hiring or employment to members of the same religion or

from taking any action with respect to matters of employment, discipline, faith, internal organization, or ecclesiastical rule, custom, or law which are calculated by such organization to promote the religious principles for which it is established or maintained.” MASS. GEN. LAWS ANN. 151B § 1(5).

- Insurance: MASS. ANN. LAWS ch. 175, § 4C (homeowners)
 - Public Accommodations: MASS. ANN. LAWS ch. 272, § 92A; MASS. ANN. LAWS ch. 272, § 98 (criminal penalty)
 - Education: MASS. GEN. LAWS ANN. 151C § 2
- Marital Status
- Insurance: MASS. ANN. LAWS ch. 175, § 4C (homeowners)
 - Housing: MASS. ANN. LAWS ch. 151B, § 4
 - Exemption: “Notwithstanding the provisions of any general or special law nothing herein shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, and which limits membership, enrollment, admission, or participation to members of that religion, from giving preference in hiring or employment to members of the same religion or from taking any action with respect to matters of employment, discipline, faith, internal organization, or ecclesiastical rule, custom, or law which are calculated by such organization to promote the religious principles for which it is established or maintained.” MASS. GEN. LAWS ANN. 151B § 1(5).

Michigan

- Gender
- Employment: MICH. COMP. LAWS ANN. 37.2202;
 - Government Contractors: MICH. COMP. LAWS ANN. 37.2209
 - Housing: MICH. COMP. LAWS ANN. 37.2502
 - Health Care: MICH. COMP. LAWS ANN. 333.21513 (hospitals); MICH. COMP. LAWS ANN. 331.82 (hospitals receiving certain state benefits); MICH. COMP. LAWS ANN. 333.21413 (hospices); MICH. COMP. LAWS ANN. 333.21761 (nursing homes)
 - Education: MICH. COMP. LAWS ANN. 37.2402; MICH. COMP. LAWS ANN. 390.933 (colleges receiving state loans)
 - Exemption: “The provisions of section 402 related to religion shall not apply to a religious educational institution or an educational institution operated, supervised, or controlled by a religious institution or organization which limits admission or gives preference to an applicant of the same religion.” MICH. COMP. LAWS ANN. 37.2403.
- Marital Status
- Employment: M.C.L.A. 37.2202
 - Government Contractors: MICH. COMP. LAWS ANN. 37.2209
 - Housing: MICH. COMP. LAWS ANN. 37.2502
 - Health care: MICH. COMP. LAWS ANN. 333.21761 (nursing homes)

Minnesota

- Sexual Orientation
 - Employment: MINN. STAT. § 363A.02(1)(a)(1) ; MINN. STAT. § 363A.08
 - Exemption: “The provisions of section 363A.08 shall not apply to a religious or fraternal corporation, association, or society, with respect to qualifications based on religion or sexual orientation, when religion or sexual orientation shall be a bona fide occupational qualification for employment.” MINN. STAT. § 363A.20(2).
 - Housing: MINN. STAT. § 363A.02(1)(a)(2); MINN. STAT. § 363A.09
 - Public Accommodations: MINN. STAT. § 363A.02(1)(a)(3); MINN. STAT. § 363A.11
 - Public Services: MINN. STAT. § 363A.02(1)(a)(4); MINN. STAT. § 363A.12
 - Education: MINN. STAT. § 363A.02(1)(a)(5); MINN. STAT. § 363A.13.
 - Social services: MINN. STAT. ANN. § 148D.215 (social workers)
 - Business: MINN. STAT. § 363A.17
 - Broad Religious Exemption to the above:
 - “Nothing in this chapter prohibits any religious association, religious corporation, or religious society that is not organized for private profit, or any institution organized for educational purposes that is operated, supervised, or controlled by a religious association, religious corporation, or religious society that is not organized for private profit, from:
 - (1) limiting admission to or giving preference to persons of the same religion or denomination; or
 - (2) in matters relating to sexual orientation, taking any action with respect to education, employment, housing and real property, or use of facilities. This clause shall not apply to secular business activities engaged in by the religious association, religious corporation, or religious society, the conduct of which is unrelated to the religious and educational purposes for which it is organized.” Minn. Stat. § 363A.26.
- Gender
 - Employment: MINN. STAT. § 363A.02(1)(a)(1); MINN. STAT. § 363A.08
 - Housing: MINN. STAT. § 363A.02(1)(a)(2); MINN. STAT. § 363A.09
 - Exemption: “The provisions of section 363A.09 shall not apply to...rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex.” MINN. STAT. ANN. § 363A.21.
 - Real Property: MINN. STAT. § 363A.09
 - Public Accommodations: MINN. STAT. § 363A.02(1)(a)(3); MINN. STAT. § 363A.11
 - Public Services: MINN. STAT. § 363A.02(1)(a)(4); MINN. STAT. § 363A.12
 - Education: MINN. STAT. § 363A.02(1)(a)(5); MINN. STAT. § 121A.04; MINN. STAT. § 363A.13.
 - Exemption: “It is not an unfair discriminatory practice for a religious or denominational institution to limit admission or give preference to applicants

of the same religion. The provisions of section 363A.13 relating to sex, shall not apply to a private educational institution, or branch or level of a private educational institution, in which students of only one sex are permitted to enroll.” MINN. STAT. ANN. § 363A.23.

- Insurance: MINN. STAT. § 72A.20 (subd. 16)
 - Business: MINN. STAT. § 363A.17.
 - Social services: MINN. STAT. § 148D.215 (social workers)
 - Tax exemption: MINN. STAT. § 273.112 (recreational lands for private clubs)
- Marital Status
- Employment: MINN. STAT. § 363A.02(1)(a)(1); MINN. STAT. § 363A.08
 - Housing: MINN. STAT. § 363A.02(1)(a)(2); 363A.09
 - Public Accommodations: MINN. STAT. § 363A.02(1)(a)(3); MINN. STAT. § 363A.11
 - Public Services: MINN. STAT. § 363A.02 (1)(a)(4)
 - Education: MINN. STAT. § 363A.02(1)(a)(5); MINN. STAT. § 363A.13.
 - Business: MINN. STAT. § 363A.17.
 - Insurance: MINN. STAT. § 72A.20 (subd. 16)
 - Tax exemption: MINN. STAT. § 273.112 (recreational lands for private clubs)

Mississippi

- Gender
- Public Employment: MISS. CODE ANN. § 25-9-149
 - Social services: MISS. CODE ANN. § 41-99-5 (hospitals receiving public grants)
 - Public Housing Developments and Loans: MISS. CODE ANN. § 43-33-723
 - Business: MISS. CODE ANN. § 57-10-519; MISS. CODE ANN. § 57-71-19; MISS. CODE ANN. § 57-77-27 (businesses receiving state aid)

Missouri

- Gender
- Insurance: MO. REV. STAT. § 375.995; MO. REV. STAT. § 408.550
 - Social services: MO. REV. STAT. § 161.223 (ESL instruction receiving state grants)
 - Housing: MO. REV. STAT. § 213.040
 - Employment: MO. REV. STAT. § 213.055
 - Exemption: “[E]mployer” does not include religious organizations. MO. REV. STAT. § 213.010.
 - Education: MO. REV. STAT. 173.1102 (state tuition grants can only go to colleges that don’t discriminate by gender)
 - Public Accommodations: MO. REV. STAT. § 213.065 .
 - Exemption: “The provisions of this section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society, or other establishment which is not in fact open to the public, unless the facilities of such establishments are made

available to the customers or patrons of a place of public accommodation as defined in section 213.010 and this section.” MO. REV. STAT. § 213.065 (3).

- Marital Status
 - Insurance: MO. REV. STAT. § 375.995; MO. REV. STAT. § 408.550

Montana

- Gender
 - Employment: MONT. CODE ANN. § 49-2-303, MONT. CODE ANN. § 49-1-102
 - Public accommodation: MONT. CODE ANN. § 49-2-304; MONT. CODE ANN. § 49-1-102
 - Exemption (social services): “Consideration of religious factors by a licensed child-placing agency that is affiliated with a particular religious faith is not arbitrary consideration of religion within the meaning of this section.” *Id.*
 - Housing: MONT. CODE ANN. § 49-2-305
 - Education: MONT. CODE ANN. § 49-2-307
 - Credit/Insurance/Retirement Plans: MONT. CODE ANN. § 49-2-309
- Marital Status
 - Education: MONT. CODE ANN. § 49-2-307
 - Employment: MONT. CODE ANN. § 49-2-303
 - Public accommodation: MONT. CODE ANN. § 49-2-304
 - Housing: MONT. CODE ANN. § 49-2-305
 - Credit/Insurance/Retirement Plans: MONT. CODE ANN. § 49-2-309

Nebraska

- Gender
 - Public accommodations: NEB. REV. ST. § 20-132, § 20-134; NEB. REV. ST. § 20-124 (criminal penalty)
 - Exemption: “Any place of public accommodation owned by or operated on behalf of a religious corporation, association, or society which gives preference in the use of such place to members of the same faith as that of the administering body shall not be guilty of discriminatory practice.” NEB. REV. ST. § 20-137.
 - Housing: NEB. REV. ST. § 20-318
 - Employment: NEB. REV. STAT. § 48-1104
 - Government contractors: NEB. REV. ST. § 48-1122
- Marital Status
 - Employment: NEB. REV. STAT. ANN. § 48-1104

Nevada

- Sexual Orientation
 - Employment: NEV. REV. STAT. ANN. § 613.330
 - Exemption: “It is not an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any person in any such program, on the basis of his religion, sex, sexual orientation, age, disability or national origin in those instances where religion, sex, sexual orientation, age, physical, mental or visual condition or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.” NEV. REV. STAT. § 613.350
 - Exemption: “It is not an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school or institution is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of the school or institution is directed toward the propagation of a particular religion.” NEV. REV. STAT. § 613.350
- Gender
 - Employment: NEV. REV. STAT. ANN. § 613.330
 - Exemption: “It is not an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any person in any such program, on the basis of his religion, sex, sexual orientation, age, disability or national origin in those instances where religion, sex, sexual orientation, age, physical, mental or visual condition or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.” NEV. REV. STAT. § 613.350
 - Exemption: “It is not an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school or institution is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of the school or institution is directed toward the propagation of a particular religion.” NEV. REV. STAT. § 613.350

New Hampshire

- Sexual orientation
 - Employment: N.H. Rev. Stat. Ann. § 354-A:6-7
 - Exemption: “‘Employer’ does not include any employer with fewer than 6 persons in its employ, an exclusively social club, or a fraternal or religious association or corporation, if such club, association, or corporation is not organized for private profit, as evidenced by declarations filed with the Internal Revenue Service or for those not recognized by the Internal Revenue Service, those organizations recognized by the New Hampshire secretary of state. Entities claiming to be religious organizations, including religious educational entities, may file a good faith declaration with the human rights commission that the organization is an organization affiliated with, or its operations are in accordance with the doctrine and teaching of a recognized and organized religion to provide evidence of their religious status.” N.H. Rev. Stat. Ann. § 354-A:2.
 - Housing: N.H. Rev. Stat. Ann. § 354-A:8
 - Public Accommodation: N.H. Rev. Stat. Ann. § 354-A:16-17
 - General Exemption to the Above: “Nothing contained in this chapter shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.” N.H. Rev. Stat. Ann. § 354-A:18.
 - N.H. Rev. Stat. § 151:21-b (home health care)
- Gender
 - Employment: N.H. Rev. Stat. Ann. § 354-A:6-7
 - Exemption: “‘Employer’ does not include any employer with fewer than 6 persons in its employ, an exclusively social club, or a fraternal or religious association or corporation, if such club, association, or corporation is not organized for private profit, as evidenced by declarations filed with the Internal Revenue Service or for those not recognized by the Internal Revenue Service, those organizations recognized by the New Hampshire secretary of state. Entities claiming to be religious organizations, including religious educational entities, may file a good faith declaration with the human rights commission that the organization is an organization affiliated with, or its operations are in accordance with the doctrine and teaching of a recognized and organized religion to provide evidence of their religious status.” N.H. Rev. Stat. Ann. § 354-A:2.
 - Housing: N.H. Rev. Stat. Ann. § 354-A:8
 - Public Accommodation: N.H. Rev. Stat. Ann. § 354-A:16-17
 - General Exemption to the Above: “Nothing contained in this chapter shall be construed to bar any religious or denominational institution or organization, or

any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.” N.H. Rev. Stat. Ann. § 354-A:18.

- Social services: N.H. Rev. Stat. § 135-C:56 (mental health services) NOTE: unclear whether this is public only or public and private); N.H. Rev. Stat. § 151:21-b (home health care)
 - Insurance: N.H. Rev. Stat. § 415-C:7; N.H. Rev. Stat. § 420-C:5
- Marital status
- Employment: N.H. Rev. Stat. Ann. § 354-A:6-7
 - Exemption: “‘Employer’ does not include any employer with fewer than 6 persons in its employ, an exclusively social club, or a fraternal or religious association or corporation, if such club, association, or corporation is not organized for private profit, as evidenced by declarations filed with the Internal Revenue Service or for those not recognized by the Internal Revenue Service, those organizations recognized by the New Hampshire secretary of state. Entities claiming to be religious organizations, including religious educational entities, may file a good faith declaration with the human rights commission that the organization is an organization affiliated with, or its operations are in accordance with the doctrine and teaching of a recognized and organized religion to provide evidence of their religious status.” N.H. Rev. Stat. Ann. § 354-A:2.
 - Housing: N.H. Rev. Stat. Ann. § 354-A:8
 - Public Accommodation: N.H. Rev. Stat. Ann. § 354-A:16-17
 - General Exemption to the Above: “Nothing contained in this chapter shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.” N.H. Rev. Stat. Ann. § 354-A:18.
 - Insurance: N.H. Rev. Stat. § 420-C:5

New Jersey

- Sexual Orientation
- Employment: N.J. REV. STAT. § 10:5-4; N.J. REV. STAT. § 10:5-12
 - Public Accommodations: N.J. REV. STAT. § 10:5-4; N.J. REV. STAT. § 10:5-12
 - Exemption in public accommodations: “Nothing herein contained shall be construed to include or to apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a

- bona fide religious or sectarian institution, and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed.” N.J. REV. STAT. § 10:5-5(l).
- Housing: N.J. REV. STAT. § 10:5-4; N.J. REV. STAT. § 10:5-12
 - Exemption: “Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, in the sale, lease or rental of real property, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.” N.J. REV. STAT. § 10:5-5(n).
 - Public contracts: N.J. STAT. ANN. 10:2-1; N.J. STAT. ANN. 40A:11-13
- Gender
- Social services: N.J. STAT. ANN. 9:3-40 (adoption agencies); N.J. STAT. ANN. 26:2H-12.8 (hospitals); burial services: N.J. STAT. ANN. 10:1-9; N.J. STAT. ANN. 26:2Y-10 (adult care homes); N.J. STAT. ANN. 30:13-3 (nursing homes)
 - Government contractors: N.J. STAT. ANN. 10:2-1; N.J. STAT. ANN. 40A:11-13
 - Business: N.J. STAT. ANN. 30:4G-16.1 (consumer bill of rights)
 - Employment: N.J. REV. STAT. § 10:5-4; N.J. REV. STAT. § 10:5-12
 - Public Accommodations: N.J. REV. STAT. § 10:5-4; N.J. REV. STAT. § 10:5-12; N.J. STAT. ANN. 10:1-2, 1-3
 - Exemption in public accommodations: “Nothing herein contained shall be construed to include or to apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution, and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed.” N.J. REV. STAT. § 10:5-5(l).
 - Housing: N.J. REV. STAT. § 10:5-4; N.J. REV. STAT. § 10:5-12
 - Exemption: “Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, in the sale, lease or rental of real property, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.” N.J. REV. STAT. § 10:5-5(n).
- Civil Union/Domestic Partner Status:
- N.J. STAT. ANN. 26:8A-2 (extending anti-discrimination laws to domestic partner status); N.J. STAT. ANN. 37:1-32 (equating it with marital status discrimination)
- Marital Status
- Social services: N.J. STAT. ANN. 9:3-40 (adoption agencies)

- Public accommodations: N.J. STAT. ANN. 10:1-2, 1-3
- Public contractors: N.J. STAT. ANN. 10:2-1; N.J. STAT. ANN. 40A:11-13
- Employment: N.J. REV. STAT. § 10:5-4; N.J. REV. STAT. § 10:5-12
- Public Accommodations: N.J. REV. STAT. § 10:5-4; N.J. REV. STAT. § 10:5-12
 - Exemption in public accommodations: “Nothing herein contained shall be construed to include or to apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution, and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed.” N.J. REV. STAT. § 10:5-5(l).
- Housing: N.J. REV. STAT. § 10:5-4; N.J. REV. STAT. § 10:5-12
 - Exemption: “Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, in the sale, lease or rental of real property, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.” N.J. REV. STAT. § 10:5-5(n).

New Mexico

- Sexual Orientation
 - Employment: N.M. STAT. ANN. § 28-1-7
 - Housing: N.M. STAT. ANN. § 28-1-7 (includes gender identity)
 - Public Accommodation: N.M. STAT. ANN. § 28-1-7
 - General Exemption to the Above: The provision does not “bar any religious or denominational institution or organization that is operated, supervised or controlled by or that is operated in connection with a religious or denominational organization from limiting admission to or giving preference to persons of the same religion or denomination or from making selections of buyers, lessees or tenants as are calculated by the organization or denomination to promote the religious or denominational principles for which it is established or maintained, unless membership in the religious or denominational organization is restricted on account of race, color, national origin or ancestry; or bar any religious or denominational institution or organization that is operated, supervised or controlled by or that is operated in connection with a religious or denominational organization from imposing discriminatory employment or renting practices that are based upon sexual orientation or gender identity; provided, that the provisions of the Human Rights Act [28-1-1 NMSA 1978] with respect to sexual orientation and gender identity shall apply to any other:
 - (1) for-profit activities of a religious or denominational institution or religious organization subject to the provisions of Section 511(a) of the Internal Revenue Code of 1986, as amended; or
 - (2) nonprofit activities of a religious or denominational institution or religious

organization subject to the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.” N.M. STAT. ANN. § 28-1-9(B)-(C).

- Gender

- Insurance: N.M. STAT. ANN. 1978, § 59A-16-13
- Employment: N.M. STAT. ANN. § 28-1-7 (includes gender identity)
- Housing: N.M. STAT. ANN. § 28-1-7 (includes gender identity)
- Public Accommodation: N.M. STAT. ANN. § 28-1-7 (includes gender identity)
- General Exemption to the Above: The provision does not “bar any religious or denominational institution or organization that is operated, supervised or controlled by or that is operated in connection with a religious or denominational organization from limiting admission to or giving preference to persons of the same religion or denomination or from making selections of buyers, lessees or tenants as are calculated by the organization or denomination to promote the religious or denominational principles for which it is established or maintained, unless membership in the religious or denominational organization is restricted on account of race, color, national origin or ancestry; or bar any religious or denominational institution or organization that is operated, supervised or controlled by or that is operated in connection with a religious or denominational organization from imposing discriminatory employment or renting practices that are based upon sexual orientation or gender identity; provided, that the provisions of the Human Rights Act [28-1-1 NMSA 1978] with respect to sexual orientation and gender identity shall apply to any other:

(1) for-profit activities of a religious or denominational institution or religious organization subject to the provisions of Section 511(a) of the Internal Revenue Code of 1986, as amended; or

(2) nonprofit activities of a religious or denominational institution or religious organization subject to the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.” N.M. STAT. ANN. § 28-1-9(B)-(C).

- Marital Status

- Employment: N.M. STAT. ANN. § 28-1-7 (includes gender identity)
- Housing: N.M. STAT. ANN. § 28-1-7 (includes gender identity)
- Public Accommodation: N.M. STAT. ANN. § 28-1-7 (includes gender identity)
- General Exemption to the Above: The provision does not “bar any religious or denominational institution or organization that is operated, supervised or controlled by or that is operated in connection with a religious or denominational organization from limiting admission to or giving preference to persons of the same religion or denomination or from making selections of buyers, lessees or tenants as are calculated by the organization or denomination to promote the religious or denominational principles for which it is established or maintained, unless membership in the religious or denominational organization is restricted on account of race, color, national origin or ancestry; or bar any religious or denominational institution or organization that is operated, supervised or controlled by or that is operated in connection with a religious or denominational organization from imposing discriminatory employment or renting practices that

are based upon sexual orientation or gender identity; provided, that the provisions of the Human Rights Act [28-1-1 NMSA 1978] with respect to sexual orientation and gender identity shall apply to any other:

(1) for-profit activities of a religious or denominational institution or religious organization subject to the provisions of Section 511(a) of the Internal Revenue Code of 1986, as amended; or

(2) nonprofit activities of a religious or denominational institution or religious organization subject to the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.” N.M. STAT. ANN. § 28-1-9(B)-(C).

New York

- Sexual Orientation
 - Employment: NY EXEC. LAW § 291; NY Exec. Law § 296
 - Housing: NY EXEC. LAW § 291; NY Exec. Law § 296
 - Public Accommodation: NY EXEC. LAW § 291; NY Exec. Law § 296
 - General Exemption to the Above: NY EXEC. LAW § 296
 - Nothing contained in this section shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting employment or sales or rental of housing accommodations or admission to or giving preference to persons of the same religion or denomination or from taking such action as is calculated by such organization to promote the religious principles for which it is established or maintained.
 - General: NY CIV. RIGHTS LAW § 40-c.
 - Education: NY EDUC. LAW § 313
 - Exemption: “except that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its students exclusively or primarily from members of such religion or denomination or from giving preference in such selection to such members or to make such selection of its students as is calculated by such institution to promote the religious principles for which it is established or maintained. Nothing herein contained shall impair or abridge the right of an independent institution, which establishes or maintains a policy of educating persons of one sex exclusively, to admit students of only one sex.”
- Gender
 - Employment: NY EXEC. LAW § 291; NY Exec. Law § 296
 - Housing: NY EXEC. LAW § 291; NY Exec. Law § 296
 - Public Accommodation: NY EXEC. LAW § 291; NY Exec. Law § 296
 - General Exemption to the Above: NY EXEC. LAW § 296
 - Nothing contained in this section shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting employment

or sales or rental of housing accommodations or admission to or giving preference to persons of the same religion or denomination or from taking such action as is calculated by such organization to promote the religious principles for which it is established or maintained.

- General: NY CIV. RIGHTS LAW § 40-c
- Government contractors: NY EXEC. LAW § 312
- Education: NY EDUC. LAW § 313
 - Exemption: “except that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its students exclusively or primarily from members of such religion or denomination or from giving preference in such selection to such members or to make such selection of its students as is calculated by such institution to promote the religious principles for which it is established or maintained. Nothing herein contained shall impair or abridge the right of an independent institution, which establishes or maintains a policy of educating persons of one sex exclusively, to admit students of only one sex.”

- Marital Status

- Employment: NY EXEC. LAW § 291; NY Exec. Law § 296
- Housing: NY EXEC. LAW § 291; NY Exec. Law § 296
- Public Accommodation: NY EXEC. LAW § 291; NY Exec. Law § 296
- General Exemption to the Above: NY EXEC. LAW § 296
 - Nothing contained in this section shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting employment or sales or rental of housing accommodations or admission to or giving preference to persons of the same religion or denomination or from taking such action as is calculated by such organization to promote the religious principles for which it is established or maintained.
- General: NY CIV. RIGHTS LAW § 40-c
- Government contractors: NY EXEC. LAW § 312
- Education: NY EDUC. LAW § 313
 - Exemption: “except that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its students exclusively or primarily from members of such religion or denomination or from giving preference in such selection to such members or to make such selection of its students as is calculated by such institution to promote the religious principles for which it is established or maintained. Nothing herein contained shall impair or abridge the right of an independent institution, which establishes or maintains a policy of educating persons of one sex exclusively, to admit students of only one sex.”

North Carolina

- Gender
 - Housing: N.C. GEN. STAT. § 41A-4
 - “With respect to discrimination based on sex, [the provision does not apply to] the rental or leasing of housing accommodations in single-sex dormitory property.” N.C. GEN. STAT. § 41A-6(3).
 - Social services: N.C. GEN. STAT. ANN. § 90-285.1 (licensed nursing home administrator); N.C. GEN. STAT. ANN. § 131E-8, N.C. GEN. STAT. ANN. § 131E-13 (hospitals leased or conveyed to non-profits by government); N.C. GEN. STAT. ANN. § 166A-12 (non-discrimination in groups helping with emergency management)
 - Government contractors: N.C. GEN. STAT. ANN. § 143-135.5 (no state contracts with organizations which have lost a gender discrimination case)

North Dakota

- Gender
 - Employment: N.D. CENT. CODE § 14-02.4-03-14-02.4-09
 - Public accommodations: N.D. CENT. CODE § 14-02.4-14-14-02.4-16
 - Housing: N.D. CENT. CODE § 14-02.5-02-14-02.5-08
 - Licensing: N.D. CENT. CODE § 23-17.3-05 (state-licensed home health care providers)
 - Insurance: N.D. CENT. CODE § 26.1-47-04 (health care)
- Marital Status
 - Employment: N.D. CENT. CODE § 14-02.4-03-14-02.4-09
 - Public accommodations: N.D. CENT. CODE § 14-02.4-14-14-02.4-16
 - Housing: N.D. CENT. CODE § 14-02.5-02-14-02.5-08
 - Insurance: N.D. CENT. CODE § 26.1-47-04 (health care)

Ohio

- Gender
 - Housing: OHIO REV. CODE ANN. § 4112.02
 - Public accommodation: OHIO REV. CODE ANN. § 4112.02;
 - Employment: OHIO REV. CODE ANN. § 4112.02; OHIO REV. CODE ANN. § 3301.53 (employment of preschool teachers)
 - Social services/Government Contractors: OHIO REV. CODE ANN. § 340.12 (contractor providing mental health or addiction services for the state); OHIO REV. CODE ANN. § 1751.18 (health insurance or provider contracting with insurer); OHIO REV. CODE ANN. § 3701.046 (grant recipients for women’s health care); OHIO REV. CODE ANN. § 4765.18 (EMT training); OHIO REV. CODE ANN. § 5104.09 (day care centers); OHIO REV. CODE ANN. § 5111.31 (nursing/adult care homes receiving state medical assistance); OHIO REV. CODE ANN. § 5126.07 (contractors with government mental retardation services)

- Marital Status
 - Social services: OHIO REV. CODE ANN. § 3701.046 (grant recipients for women's health care)

Oklahoma

- Gender
 - Employment: OKLA. STAT. tit. xxv, §§ 1302-1306
 - Exemption: "This chapter does not apply to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by the corporation, association, or society of its religious activities." OKLA. STAT. ANN. tit. xxv, § 1307.
 - Exemption: "It is not a discriminatory practice:
 - "1. For an employer to hire and employ an employee, or an employment agency to classify or refer for employment an individual, for a labor organization to classify its membership or to classify or refer for employment an individual, or for an employer, labor organization, or joint labor-management committee controlling an apprenticeship or other training or retraining program to admit or employ an individual in the program, on the basis of his religion, sex, national origin, age, or a handicap if such action is related to a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise; or
 - "2. For a school, college, university, or other educational institution to hire and employ an employee of a particular religion if the school, college, university, or other educational institution is, in whole or substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution is directed toward the propagation of a particular religion." OKLA. STAT. ANN. tit. xxv, § 1307.
 - Housing: OKLA. STAT. tit xxv, § 1452 ; OKLA. STAT. ANN. tit. xxv, § 1506.9 (misdemeanor to threaten or interfere with enjoyment of fair housing right)
 - Social services: OKLA. STAT. tit IIIa § 301 (amateur sports leagues); OKLA. STAT. ANN. tit. xlvii, § 1104.6 (crisis pregnancy centers receiving state funds); OKLA. STAT. ANN. tit. lxx, § 24-150 (referees for school sports leagues)
 - Public accommodations: OKLA. STAT. ANN. tit. xxv, § 1402 (includes all recipients of government funds)
- Marital Status
 - Social services: OKLA. STAT. ANN. tit. xlvii, § 1104.6 (crisis pregnancy centers receiving state funds)

Oregon

- Sexual Orientation
 - Social services: OR. REV. STAT. § 418.648 (foster parents); OR. REV. STAT. § 443.739 (adult foster home residents)
 - Insurance: OR. REV. STAT. § 744.353 (life insurance)
 - Education: OR. REV. STAT. § 659.850 (higher education)
 - Public accommodations: OR. REV. STAT. § 659A.006; OR. REV. STAT. § 659A.403ff
 - Housing: OR. REV. STAT. § 659A.006; OR. REV. STAT. § 659A.421
 - Exemption: “(3) It is not an unlawful practice for a bona fide church or other religious institution to take any action with respect to housing or the use of facilities based on a bona fide religious belief about sexual orientation as long as the housing or the use of facilities is closely connected with or related to the primary purposes of the church or institution and is not connected with a commercial or business activity that has no necessary relationship to the church or institution.” OR. REV. STAT. § 659A.006.
 - Employment: OR. REV. STAT. § 659A.006; OR. REV. STAT. § 659A.030
 - Exemption: “(4) It is not an unlawful employment practice for a bona fide church or other religious institution, including but not limited to a school, hospital or church camp, to prefer an employee, or an applicant for employment, of one religious sect or persuasion over another if: (a) The religious sect or persuasion to which the employee or applicant belongs is the same as that of the church or institution; (b) In the opinion of the church or institution, the preference will best serve the purposes of the church or institution; and (c) The employment involved is closely connected with or related to the primary purposes of the church or institution and is not connected with a commercial or business activity that has no necessary relationship to the church or institution.” OR. REV. STAT. § 659A.006.
 - Exemption: “(5) It is not an unlawful employment practice for a bona fide church or other religious institution to take any employment action based on a bona fide religious belief about sexual orientation: (a) In employment positions directly related to the operation of a church or other place of worship, such as clergy, religious instructors and support staff; (b) In employment positions in a nonprofit religious school, nonprofit religious camp, nonprofit religious day care center, nonprofit religious thrift store, nonprofit religious bookstore, nonprofit religious radio station or nonprofit religious shelter; or (c) In other employment positions that involve religious activities, as long as the employment involved is closely connected with or related to the primary purposes of the church or institution and is not connected with a commercial or business activity that has no necessary relationship to the church or institution.” OR. REV. STAT. § 659A.006.
- Gender
 - Education: OR. REV. STAT. § 659.850 (higher education)
 - Housing: OR. REV. STAT. § 659A.006; OR. REV. STAT. § 659A.421

- Employment: OR. REV. STAT. § 659A.006 (2007); OR. REV. STAT. § 659A.030
- Public Accommodations: OR. REV. STAT. § 659A.403ff ; OR. REV. STAT. § 659A.006
- Social services: OR. REV. STAT. § 418.648 (foster parents); OR. REV. STAT. § 443.739 (adult foster home residents); OR. REV. STAT. § 458.505 (organizations receiving certain anti-poverty funds)
- Insurance: OR. REV. STAT. § 744.353 (life insurance)
- Marital Status
 - Education: OR. REV. STAT. § 659.850 (higher education)
 - Housing: OR. REV. STAT. § 659A.006; OR. REV. STAT. § 659A.421
 - Employment: OR. REV. STAT. § 659A.006; OR. REV. STAT. § 659A.030
 - Public Accommodations: OR. REV. STAT. § 659A.403ff; OR. REV. STAT. § 659A.006;
 - Insurance: OR. REV. STAT. § 744.353 (life insurance)
 - Domestic partnership law (equating partnerships to marriage in many cases): OR. REV. STAT. T. 11, Ch. 106, Prec. 107.005.

Pennsylvania

- Gender
 - Employment: 43 PA. CONST. STAT. § 955
 - Exemption: 43 PA. CONST. STAT. § 954(b) “The term ‘employer’ includes the Commonwealth or any political subdivision or board, department, commission or school district thereof and any person employing four or more persons within the Commonwealth, but except as hereinafter provided, does not include religious, fraternal, charitable or sectarian corporations or associations, except such corporations or associations supported, in whole or in part, by governmental appropriations. The term ‘employer’ with respect to discriminatory practices based on race, color, age, sex, national origin or non-job related handicap or disability, includes religious, fraternal, charitable and sectarian corporations and associations employing four or more persons within the Commonwealth.”
 - Housing: 43 PA. CONST. STAT. § 955
 - Exemption: “Nothing in this clause shall bar any religious or denominational institution or organization or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious organization or any bona fide private or fraternal organization from giving preference to persons of the same religion or denomination or to members of such private or fraternal organization or from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes or fraternal principles for which it is established or maintained.” 43 PA. CONST. STAT. § 953(h)(10)
 - Public Accommodation: 43 PA. CONST. STAT. 955
 - Education: 24 PA. CONST. STAT. §§ 5002, 5004

- Exemption: “This act shall not be construed to prohibit any educational institution which is neither State-owned nor State-related, nor State-aided, from drawing its enrollment entirely from members of one sex or from the sexes in any proportion,” 24 PA. CONST. STAT. § 5009
 - Social services: 35 PA. CONST. STAT. § 448.804 (licensed health care facility)
 - Insurance: 40 PA. CONST. STAT. § 1171.5
- Marital Status
 - Insurance: 40 PA. CONST. STAT. § 1171.5

Rhode Island

- Sexual Orientation
 - Public Accommodations: R.I. GEN. LAWS § 11-24-2
 - Employment: R.I. GEN. LAWS § 28-5-7; *see also* R.I. GEN. LAWS § 28-5-2
 - Exemption: “Nothing in this subdivision shall be construed to apply to a religious corporation, association, educational institution, or society with respect to the employment of individuals of its religion to perform work connected with the carrying on of its activities.” R.I. GEN. LAWS § 28-5-6(7)(ii).
 - Housing: R.I. GEN. LAWS §§ 34-37-1—34-37-4
 - Exemption: “Nothing in this chapter shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of a dwelling which it owns or operates for other than commercial purposes to persons of the same religion or from giving preference to those persons unless membership in the religion is restricted on account of sex, sexual orientation, gender identity or expression, race, color, or national origin or disability. Nor shall anything in this chapter prohibit a private club not in fact open to the public which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.” R.I. GEN. LAWS § 34-37-4.2
 - Commerce: R.I. GEN. LAWS § 28-5.1-14 (state-licensed businesses and corporations)
- Gender
 - Public Accommodations: R.I. GEN. LAWS § 11-24-2 (includes gender identity)
 - Employment: R.I. GEN. LAWS § 28-5-7; *see also* R.I. GEN. LAWS § 28-5-2 (includes gender identity)
 - Exemption: “Nothing in this subdivision shall be construed to apply to a religious corporation, association, educational institution, or society with respect to the employment of individuals of its religion to perform work connected with the carrying on of its activities.” R.I. GEN. LAWS § 28-5-6(7)(ii).

- Housing: R.I. GEN. LAWS §§ 34-37-1—34-37-4
 - Exemption: “Nothing in this chapter shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of a dwelling which it owns or operates for other than commercial purposes to persons of the same religion or from giving preference to those persons unless membership in the religion is restricted on account of sex, sexual orientation, gender identity or expression, race, color, or national origin or disability. Nor shall anything in this chapter prohibit a private club not in fact open to the public which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.” R.I. GEN. LAWS § 34-37-4.2
 - Commerce: R.I. GEN. LAWS § 28-5.1-14 (state-licensed businesses and corporations) (includes gender identity)
 - Health Care: R.I. GEN. LAWS § 23-17.4-16 (licensed assisted living facilities); R.I. GEN. LAWS § 23-17.5-19 (nursing homes)
- Marital Status
- Housing: R.I. GEN. LAWS §§ 34-37-1—34-37-4
 - Exemption: “Nothing in this chapter shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of a dwelling which it owns or operates for other than commercial purposes to persons of the same religion or from giving preference to those persons unless membership in the religion is restricted on account of sex, sexual orientation, gender identity or expression, race, color, or national origin or disability. Nor shall anything in this chapter prohibit a private club not in fact open to the public which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.” R.I. GEN. LAWS § 34-37-4.2
 - Commerce: R.I. GEN. LAWS § 28-5.1-14 (state-licensed businesses and corporations) (includes gender identity)

South Carolina

- Gender
 - Employment: S.C. CODE ANN. § 1-13-80 (2007)
 - Exemption: S.C. CODE ANN. § 1-13-80(I)(5) (2007) “This chapter does not apply to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by the corporation, association, educational institution, or society of its activities. It is not an unlawful

employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if the school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.”

- Housing: S.C. CODE ANN. § 31-21-40 (2007)
 - Exemption: “The provisions of Section 31-21-40 with respect to discrimination based on sex do not apply to the rental or leasing of dwellings in a single-sex dormitory property.” S.C. CODE ANN. § 31-21-70(M)
- Insurance: S.C. CODE ANN. § 38-77-122 (auto)
- Health Care: S.C. CODE ANN. § 44-69-80 (licensed home health agencies); S.C. CODE ANN. § 44-71-90 (licensed hospices); S.C. CODE ANN. § 44-71-90 (long-term care facilities)

South Dakota

- Gender
 - Employment: S.D. CODIFIED LAWS § 20-13-10
 - Exemption: “Sections 20-13-10 to 20-13-13, inclusive, shall not apply to any bona fide religious institution with respect to any qualifications for employment based on religion when such qualifications are related to a bona fide religious purpose.” S.D. CODIFIED LAWS § 20-13-18.
 - Housing: S.D. CODIFIED LAWS § 20-13-20
 - Exemption: “This section does not apply to dormitory residences maintained by public or private schools, colleges, and universities for the educational benefit and convenience of unmarried students or to dwellings occupied by fraternities or sororities officially recognized by such institutions.” *Id.*
 - Education: S.D. CODIFIED LAWS § 20-13-22
 - Exemption: “This section does not apply to any bona fide religious institution which has a qualification based on religion if such qualification is related to a bona fide religious purpose.” *Id.*
 - Public accommodations: S.D. CODIFIED LAWS § 20-13-23
 - Public services: S.D. CODIFIED LAWS § 20-13-24
 - Insurance: S.D. CODIFIED LAWS § 58-33-13.1
 - Exemption: “This section shall not affect the right of fraternal benefit societies to determine eligibility requirements for membership.”
- Marital Status
 - Insurance: S.D. CODIFIED LAWS § 58-33-13.1
 - Exemption: “This section shall not affect the right of fraternal benefit societies to determine eligibility requirements for membership.”

Tennessee

- Gender
 - Employment: TENN. CODE ANN. § 4-21-401
 - Exemption: “This chapter shall not apply to religious corporations, associations, educational institutions, or societies, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by the corporation, association, educational institution, or society, of its religious activities.” TENN. CODE ANN. § 4-21-405.
 - Public Accommodation: TENN. CODE ANN. § 4-21-501
 - Housing: TENN. CODE ANN. § 4-21-601
 - “As regards to sex, [the provision does not apply to] the rental of housing accommodations of single-sex dormitory rental properties, including, but not limited to, those dormitories operated by higher educational institutions.” TENN. CODE ANN. § 4-21-602.
 - Government contractors: TENN. CODE ANN. § 4-3-1412
 - Social services: TENN. CODE ANN. § 12-4-122 (religious organizations providing social services funded by the state)

Texas

- Gender
 - Housing: TEX. PROP. CODE ANN. § 301.021
 - Employment: TEX. LAB. CODE ANN. § 21.051
 - Exemption: “A religious corporation, association, society, or educational institution or an educational organization operated, supervised, or controlled in whole or in substantial part by a religious corporation, association, or society does not commit an unlawful employment practice by limiting employment or giving a preference to members of the same religion.
 - “Subchapter B does not apply to the employment of an individual of a particular religion by a religious corporation, association, or society to perform work connected with the performance of religious activities by the corporation, association, or society.” TEX. LAB. CODE ANN. § 21.109
 - Health care: TEX. HEALTH & SAFETY CODE ANN. § 242.501 (licensed nursing homes)

Utah

- Gender
 - Public Accommodation: UTAH CODE ANN. §§ 13-7-1, 13-7-3
 - Exemption: “but the term [public accommodation] shall not apply to any institution, church, any apartment house, club, or place of accommodation which is in its nature distinctly private except to the extent that it is open to the public.” UTAH CODE ANN. 1953 § 13-7-2.

- Exemption: statute does not “deny any religious organization the right to regulate the operation and procedures of its establishments.” UTAH CODE ANN. § 13-7-3.
- Employment: UTAH CODE ANN. § 67-19-4; UTAH CODE ANN. § 34A-5-106
 - Exemption: “It is not discriminatory for a school, college, university, or other educational institution to hire and employ employees of a particular religion if:
 - “(A) the school, college, university, or other educational institution is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religious corporation, association, or society; or
 - “(B) the curriculum of the school, college, university, or other educational institution is directed toward the propagation of a particular religion.” UTAH CODE ANN. § 34A-5-106(3)(ii)(A)-(B).
- Housing: UTAH CODE ANN. § 57-21-5
 - Exemption: “This chapter does not apply to a temporary or permanent residence facility operated by a nonprofit or charitable organization, including any dormitory operated by a public or private educational institution, if the discrimination is by sex or familial status for reasons of personal modesty or privacy or in the furtherance of a religious institution's free exercise of religious rights under the First Amendment of the United States Constitution.” UTAH CODE ANN. § 57-21-3(2)
 - This chapter does not prohibit any nonprofit educational institution from:
 - (a) requiring its single students to live in housing approved, operated, or owned by the institution;
 - (b) segregating housing that the institution approves, operates, or owns on the basis of sex or familial status or both for reasons of personal modesty or privacy, or in the furtherance of a religious institution's free exercise of religious rights under the First Amendment of the United States Constitution; or
 - (c) otherwise assisting others in making sex-segregated housing available to students as may be permitted by regulations implementing the federal Fair Housing Amendments Act of 1988 and Title IX of the Education Amendments of 1972.” UTAH CODE ANN. § 57-21-3(7)

Vermont

- Sexual Orientation
 - Employment: VT. STAT. ANN. tit. iii, § 1026; VT. STAT. ANN. tit. xxi, § 495; VT. STAT. ANN. tit. xxi, § 1726 ; VT. STAT. ANN. tit. xxi, § 1621
 - Exemption: “The provisions of this section prohibiting discrimination on the basis of sexual orientation and gender identity shall not be construed to prohibit or prevent any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised, or controlled by or in connection with a religious organization, from giving preference to persons of the same religion or denomination or from taking any action with respect to matters of

employment which is calculated by the organization to promote the religious principles for which it is established or maintained.” VT. STAT. ANN. tit. xxi, § 495(8)(e).

- Housing: VT. STAT. ANN. tit. ix, § 4503
- Insurance: VT. STAT. ANN. tit. viii § 4724
- Gender
 - Employment: VT. STAT. ANN. tit. iii, § 1026; VT. STAT. ANN. tit. xxi, § 495; Vt. Stat. Ann. tit. xxi, § 1726; VT. STAT. ANN. tit. xxi, § 1621 (includes gender identity)
 - Exemption: “The provisions of this section prohibiting discrimination on the basis of sexual orientation and gender identity shall not be construed to prohibit or prevent any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised, or controlled by or in connection with a religious organization, from giving preference to persons of the same religion or denomination or from taking any action with respect to matters of employment which is calculated by the organization to promote the religious principles for which it is established or maintained.” VT. STAT. ANN. tit. xxi, § 495(8)(e).
 - Housing: VT. STAT. ANN. tit. ix, § 4503 ; VT. STAT. ANN. tit. x, § 6236
 - Health care: VT. STAT. ANN. tit. viii, § 4516, 4588 (tax exemption for non-profit hospitals and medical services companies)
 - Insurance: VT. STAT. ANN. tit. viii, § 4724 (includes gender identity); VT. STAT. ANN. tit. viii, § 5115 (HMOs)
 - Credit: VT. STAT. ANN. tit. viii, § 10403 (includes gender identity); VT. STAT. ANN. tit. ix, § 2362, 2410, 2488 (includes gender identity)
- Marital Status
 - Housing: VT. STAT. ANN. tit. ix, § 4503 (2007); VT. STAT. ANN. tit. x, § 6236
 - Insurance: VT. STAT. ANN. tit. viii, § 4724
- Civil Union Status
 - Insurance benefits: VT. STAT. ANN. tit. viii, § 4063a

Virginia

- Gender
 - Government Contracts: VA. CODE ANN. § 2.2-4200-4201; VA. CODE ANN. § 2.2-4311; VA. CODE ANN. § 2.2-4343.1 (government contracts with religious organizations)
 - Employment: VA. CODE ANN. § 2.2-3900-3902
 - Public Accommodations: VA. CODE ANN. § 2.2-3900-3902
 - Housing: VA. CODE ANN. § 36-96.1, 36-96.3; VA. CODE ANN. § 2.2-3900-3902

- Property tax exemption: VA. CODE ANN. § 58.1-3651(non-profits and religious organizations)
- Marital Status
 - Employment: VA. CODE ANN. § 2.2-3900-3902
 - Housing: VA. CODE ANN. § 2.2-3900-3902
 - Public Accommodations: VA. CODE ANN. § 2.2-3900-3902

Washington

- Sexual Orientation
 - Housing: WASH. REV. CODE ANN. § 49.60.030
 - Commerce: WASH. REV. CODE ANN. § 49.60.030
 - Insurance: WASH. REV. CODE ANN. § 49.60.030 (HMOs)
 - Employment: WASH. REV. CODE ANN. 49.60.180
 - Exemption: “‘Employer’ includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;” WASH. REV. CODE ANN. § 49.60.040(10)
 - Public Accommodation: WASH. REV. CODE ANN. 49.60.215; WASH. REV. CODE ANN. § 49.60.030
 - Exemption: “[P]ublic accommodation” does not “apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution.” WASH. REV. CODE ANN. § 49.60.040(3).
 - Property: WASH. REV. CODE ANN. § 49.60.222
 - Insurance: WASH. REV. CODE ANN. 48.30.300
- Gender
 - Housing: WASH. REV. CODE ANN. § 49.60.030
 - Commerce: WASH. REV. CODE ANN. § 49.60.030
 - Insurance: WASH. REV. CODE ANN. § 49.60.030 (HMOs); WASH. REV. CODE ANN. 48.30.300; WASH. REV. CODE ANN. 48.46.110 (HMOs)
 - Employment: WASH. REV. CODE ANN. 49.60.180
 - Exemption: “‘Employer’ includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;” WASH. REV. CODE ANN. § 49.60.040(3)
 - Public Accommodation: WASH. REV. CODE ANN. 49.60.215; WASH. REV. CODE ANN. § 49.60.030
 - Exemption: “[P]ublic accommodation” does not “apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution.” WASH. REV. CODE ANN. § 49.60.040(10).
 - State licensing: WASH. REV. CODE ANN. 20.01.330 (agricultural products)

- Marital Status
 - Employment: WASH. REV. CODE ANN. 49.60.180
 - Exemption: "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;" WASH. REV. CODE ANN. § 49.60.040(3)
 - Insurance: WASH. REV. CODE ANN. 48.30.300

West Virginia

- Gender
 - Employment: W. VA. CODE § 5-11-9
 - Public Accommodations: W. VA. CODE § 5-11-9
 - Housing: W. VA. CODE § 5-11A-5
 - Health Care: W. VA. CODE § 16-29A-21 (hospitals receiving public loans); W. VA. CODE § 33-25D-15 (prepaid health services)
 - Insurance: W. VA. CODE, § 33-25A-14a (HMOs)

Wisconsin

- Sexual Orientation
 - Employment: WIS. STAT. § 111.321; WIS. STAT. § 111.36
 - Note: No exemption for religious employers
 - Government Contractors: WIS. STAT. § 16.765
 - Housing: WIS. STAT. § 106.50
 - Public Accommodation: WIS. STAT. § 106.52
- Gender
 - Employment: WIS. STAT. § 111.321 ; WIS. STAT. § 111.36
 - Government Contractors: WIS. STAT. § 16.765
 - Housing: WIS. STAT. § 106.50
 - Public Accommodation: WIS. STAT. § 106.52
- Marital Status
 - Employment: WIS. STAT. § 111.321 ; WIS. STAT. § 111.36
 - Housing: WIS. STAT. § 106.50

Wyoming

- Gender
 - Employment: WYO. STAT. ANN. § 27-9-105
 - Exemption: The definition of an "employer" subject to non-discrimination requirements excludes "religious organizations or associations." *Id.*
 - Public Accommodations: WYO. STAT. ANN. § 6-9-101
 - Child Care: WYO. STAT. ANN. § 14-4-201(f)

Appendix B

- = State law prohibits discrimination on the designated basis in some circumstances
- ✓ = State law provides a religious exemption to anti-discrimination laws

State	Gender	Marital Status	Sexual Orientation
Alabama	•		
Alaska	• ✓ (ltd.)	• ✓ (ltd.)	
Arizona	•		
Arkansas	•		
California	• ✓	• ✓	• ✓
Colorado	• ✓	• ✓	• ✓
Connecticut	•	•	• ✓
Delaware	• ✓ (ltd.)	• ✓ (ltd.)	
Florida	• ✓	•	
Georgia	•	•	
Hawaii	• ✓ (ltd.)	•	• ✓ (ltd.)
Idaho	• ✓ (ltd.)		

State	Gender	Marital Status	Sexual Orientation
Illinois	• ✓	• ✓	• ✓
Indiana	• ✓ (ltd.)		
Iowa	• ✓		• ✓
Kansas	• ✓ (ltd.)		
Kentucky	• ✓		
Louisiana	• ✓ (ltd.)		
Maine	• ✓	•	• ✓
Maryland	• ✓ (ltd.)	• ✓ (ltd.)	• ✓
Massachusetts	• ✓	• ✓	• ✓
Michigan	• ✓ (ltd.)	•	
Minnesota	• ✓ (ltd.)	•	• ✓
Mississippi	•		
Missouri	• ✓	•	
Montana	• ✓ (ltd.)	•	
Nebraska	• ✓ (ltd.)	•	

State	Gender	Marital Status	Sexual Orientation
Nevada	• ✓ (ltd.)	•	• ✓ (ltd.)
New Hampshire	• ✓	• ✓	• ✓
New Jersey	• ✓	• ✓	• ✓
New Mexico	• ✓	• ✓	• ✓
New York	• ✓	• ✓	• ✓
North Carolina	• ✓ (ltd.)		
North Dakota	•	•	
Ohio	•	•	
Oklahoma	•	•	
Oregon	•	•	• ✓
Pennsylvania	• ✓	•	
Rhode Island	• ✓ (ltd.)	• ✓ (ltd.)	• ✓ (ltd.)
South Carolina	• ✓		
South Dakota	• ✓	• ✓	
Tennessee	•		
Texas	• ✓		

Utah	• ✓		
Vermont	• ✓	•	• ✓
Virginia	•	•	
Washington	• ✓	• ✓	• ✓
West Virginia	•		
Wisconsin	•	•	•
Wyoming	• ✓		