



The Impact of Stigma and Discrimination against LGBT People in Arizona

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EXECUTIVE SUMMARY

Arizona is home to over 203,000 LGBT adults and 45,550 LGBT youth.

LGBT people in Arizona lack important

legal protections and

face a less supportive

social climate than

LGBT people in many

other states. For

example, statewide

laws in Arizona offer

no protections from

discrimination based on sexual orientation or gender identity in areas such as employment,

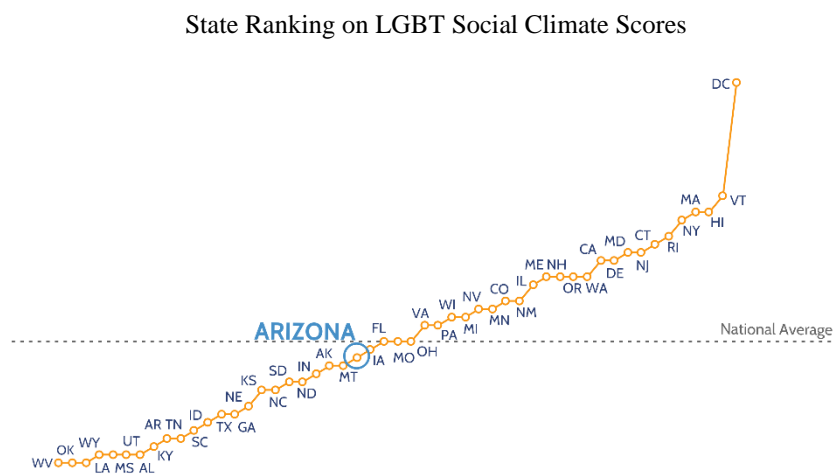
housing, and public accommodations. State laws in Arizona also fail to adequately protect

LGBT students from bullying. In terms of social climate, Arizona ranks 29th in the nation on

public support for LGBT rights and acceptance of LGBT people. However, a number of

businesses and some localities in Arizona have adopted LGBT-inclusive non-discrimination

policies, and social attitudes toward LGBT people are becoming more positive over time.



The legal landscape and social climate for LGBT people in Arizona likely contributes to an environment in which LGBT people experience stigma and discrimination. Stigma and discrimination can take many forms, including discrimination and harassment in employment and other settings, bullying and family rejection of LGBT youth, overrepresentation in the criminal justice system, and violence. Research has linked stigma and discrimination against LGBT people to negative effects on individuals, businesses, and the economy.

In this study, we provide data and research documenting the prevalence of several forms of stigma and discrimination against LGBT adults and youth in Arizona, including discrimination and harassment in employment, housing, and public accommodations; bullying and harassment in schools; and family rejection of LGBT youth. We discuss the implications of such stigma and discrimination on LGBT individuals, in terms of health and economic security; on employers, in terms of employee productivity, recruitment, and retention; and on the economy, in terms of health care costs and reduced productivity.

To the extent that Arizona is able to move toward creating a more supportive environment for LGBT people, it would likely reduce economic instability and health disparities experienced by LGBT individuals, which, in turn, would benefit the state, employers, and the economy.

KEY FINDINGS INCLUDE:

Prevalence of Stigma and Discrimination against LGBT People in Arizona

LGBT People in Arizona Experience Discrimination in Employment, Housing, and Public Accommodations

- The 2015 U.S. Transgender Survey report documented evidence of discrimination against transgender people in a range of areas, including employment, housing, and public accommodations. For example, in terms of employment discrimination, the survey found that of transgender respondents from Arizona who had or applied for a job in the prior year, 27% reported “being fired, being denied a promotion, or not being hired for a job” because of their gender identity or expression. Ten percent of respondents who had a job in the prior year reported being verbally harassed and 1% reported being sexually assaulted at work in the prior year because of their gender identity. Additionally, “15% of respondents who had ever been employed reported losing a job at some point in their lives because of their gender identity or expression.” Similar percentages of transgender people in Arizona had experienced discrimination in housing or public accommodations in the prior year.¹
- A 2014 survey of faculty and staff at the University of Arizona found that LGBTQ+ faculty and staff have experienced harassment and discrimination on campus. Nearly 75% of LGBTQ+ and 18% of trans faculty and staff said that they had heard anti-LGBTQ+ slurs and comments on campus. Six percent of LGBTQ+ and 9% of trans faculty and staff said they heard these comments once per day. Over four percent of LGBTQ+ faculty and staff said they felt intimidated or threatened and 3% said they feared for their physical safety on campus because of their sexual orientation or gender identity.²
- A public opinion poll of Arizona voters conducted in 2017 found that 64% of respondents said that there continue to be many ways that LGBTQ people are treated unequally, despite now being able to legally marry.³
- A public opinion poll conducted in 2016 found that 59% of Arizona residents thought that gay and lesbian people experience a lot of discrimination in the U.S. and 64% of residents thought that transgender people experience a lot of discrimination in the U.S.⁴

¹ The survey used a non-probability sampling method. THE NATIONAL CENTER FOR TRANSGENDER EQUALITY & ONE COMMUNITY, U.S. TRANSGENDER SURVEY: ARIZONA STATE REPORT 1-2 (2017), available at <http://www.transequality.org/sites/default/files/docs/usts/USTSAZStateReport%281017%29.pdf>.

² LAUREN PRING ET AL., UNIV. OF ARIZ., LGBTQ+ NEEDS ASSESSMENT REPORT (2014), <http://lgbtq.arizona.edu/sites/lgbtq.arizona.edu/files/LGBTQA-NeedsAssessmentNarrativeReportFINAL.pdf>.

³ HART RESEARCH ASSOCIATES, KEY FINDINGS FROM ARIZONA SURVEY OF LGBTQ EQUALITY at 1 (Dec. 8, 2017), available at <https://assets2.hrc.org/files/documents/Hart-Polling-Memo-Arizona.pdf>.

⁴ PRRI, American Values Atlas: Arizona, <http://ava.prri.org/#discrimination/2016/States/trnsdis/m/US-AZ>.

- Analysis of aggregated public opinion data collected from 2011 through 2013 indicated that 79% of Arizona residents thought that LGBT people experience discrimination in the state.⁵
- Instances of employment, housing, and public accommodations discrimination against LGBT people in Arizona have also been documented in a number of court cases and administrative proceedings, and in the media.

LGBT Youth and Young Adults in Arizona Experience Bullying and Harassment at School

- In response to a 2014 survey, many LGBTQ+ and trans students at the University of Arizona reported that they had experienced verbal harassment and discrimination related to their sexual orientation and gender identity on campus. Twenty-two percent of LGBTQ+ students reported experiencing discrimination based on their sexual orientation or gender identity on campus, and most (70%) did not report the incident to an authority figure, such as the Dean or Students or the University of Arizona Police Department. Additionally, over 97% of trans students and 64% of LGBTQ+ student reported hearing anti-LGBTQ slurs and comments on campus at least sometimes. Approximately 5% of LGBTQ+ students said they felt “not very safe” and 51.2% said they felt only “somewhat safe” on campus.⁶
- The 2015 GLSEN National School Climate survey of LGBTQ middle- and high-school students found that 71% of respondents from Arizona said they had experienced verbal harassment based on their sexual orientation at school, and 55% said they had experienced verbal harassment based on their gender expression at school in the year prior to the survey. Many students also reported experiencing physical harassment based on their sexual orientation (29%) or gender identity (20%) at school in the year prior to the survey. In addition, 11% of respondents reported that they had experienced physical assault at school because of their sexual orientation and 10% of respondents said they had experienced physical assault because of their gender identity at school in the year prior to the survey.⁷
- The 2015 National Transgender Survey report found that 48% of survey respondents from Arizona who were out or perceived as transgender while in grades K-12 experienced verbal harassment, 24% experienced physical assault, and 8% experienced sexual violence while in school.⁸

⁵ Andrew Flores & Scott Barclay, Williams Institute Analysis based on public opinion data from Evaluations of Government and Society Study, Survey 3 (2011) & Survey 4 (2012) and Pew Research Center Poll (2013) (data and calculations on file with authors).

⁶ PRING ET AL., *supra* note 2 at 16-18, 42.

⁷ GLSEN, SCHOOL CLIMATE IN ARIZONA 1 (2017), <https://www.glsen.org/sites/default/files/Arizona%20State%20Snapshot%20-%20NSCS.pdf>. The survey included 212 respondents from Arizona.

⁸ The survey used a non-probability sampling method. THE NATIONAL CENTER FOR TRANSGENDER EQUALITY & ONE COMMUNITY, *supra* note 1 at 1.

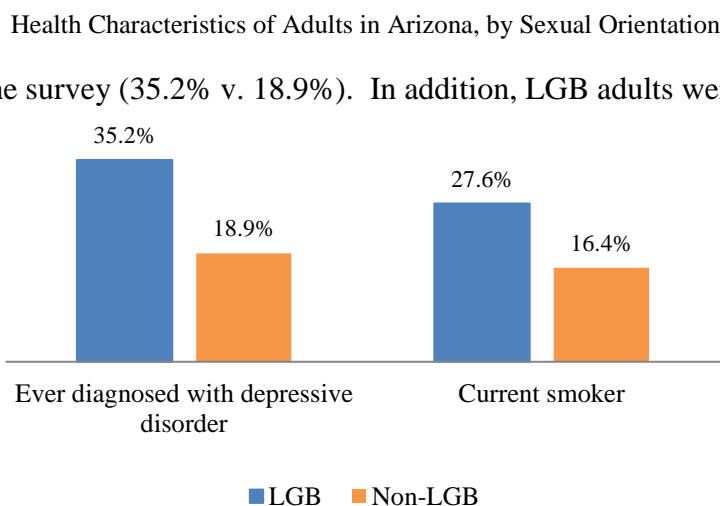
Impact of Stigma and Discrimination on LGBT Individuals

LGBT People in Arizona Experience Economic Instability

- Stigma and discrimination against LGBT workers can lead to economic instability, including lower wages and higher rates of poverty.
- Gallup polling data from 2012-2014 found that 39% percent of LGBT adults in Arizona reported having an annual household income below \$24,000, compared to 24% of non-LGBT adults.
- LGBT adults in Arizona were also nearly twice as likely to report that they did not have enough money for food as non-LGBT adults (35% v. 18%).
- In addition, LGBT adults were more likely to be unemployed: 12% of LGBT adults in Arizona reported that they were unemployed compared to 8% of non-LGBT adults.
- The 2015 U.S. Transgender Survey found that 16% of respondents in Arizona were unemployed and 28% were living in poverty.⁹ In addition, 14% of respondents in Arizona reported experiencing homelessness within the prior year because of being transgender.¹⁰

LGBT Adults and Youth in Arizona Experience Health Disparities

- Research indicates that stigma and discrimination contribute to adverse health outcomes for LGBT people such as major depressive disorder, binge drinking, substance use, and suicidality. Similarly, bullying and family rejection, as well as social stigma more broadly, have been linked to increased likelihood of school dropout, suicide, and substance use among LGBT youth.
- LGBT adults in Arizona who completed the 2012 Behavioral Risk Factor Surveillance System survey were significantly more likely to have been diagnosed with a depressive disorder by a health care professional than non-LGB adults who completed the survey (35.2% v. 18.9%). In addition, LGB adults were significantly more likely to report current smoking (27.6% v. 16.4%) than non-LGBT adults.
- The 2015 Arizona Youth Risk Behavior Survey found that LGB students were much more likely than non-LGB students to have seriously considered



⁹ THE NATIONAL CENTER FOR TRANSGENDER EQUALITY & ONE COMMUNITY, *supra* note 1 at 1.

¹⁰ *Id.*

suicide (47.2% v. 14.9%), to have planned for suicide (42.3% v. 13.4%), and to have required medical care as a result of a suicide attempt (9.9% v. 1.9%) in the year prior to the survey. LGB students in Arizona were also more likely than non-LGB students to report smoking cigarettes (20.7% v. 9.1%), drinking (44.6% v. 33.8%), and using marijuana (37.4% v. 22.0%) in the month prior to the survey.

- Similarly, a 2014 survey of college students at the University of Arizona found that 43.4% of LGBTQ+ students said they had been diagnosed with depression, 40.8% said they had been diagnosed with anxiety, and 32.2% said they had been diagnosed with both. Among non-LGBTQ+ students, 14.0% said they had been diagnosed with depression, 19.4% said they had been diagnosed with anxiety, and 14.0% said they had been diagnosed with both. Additionally, 25.2% of LGBTQ+ students said they had seriously considered attempting suicide at least once in the prior school year and 4% had actually attempted suicide at least once in the prior school year. By comparison, 4.0% of non-LGBTQ+ students said they had seriously considered attempting suicide at least once in the prior school year and 1.1% had actually attempted suicide at least once in the prior school year.¹¹

Economic Impacts of Stigma and Discrimination

Discrimination against LGBT People in Employment and Other Settings Has Economic Consequences for Employers and the State Government

- **Productivity.** Unsupportive work environments can mean that LGBT employees are less likely to be open about their sexual orientation or gender identity at work, and more likely to be distracted, disengaged, or absent, and to be less productive. These outcomes could lead to economic losses for state and local governments, as employers, and private businesses in the state. Given that an estimated 112,000 workers in Arizona identify as LGBT, the loss in productivity from a discriminatory environment could be significant.
- **Retention.** LGBT employees in less supportive work environments feel less loyal to their employers and are more likely to plan to leave their jobs. Given the average replacement costs of an employee, public and private employers risk losing \$9,260, on average, for each employee who leaves the state or changes jobs because of an unsupportive policy or social environment in Arizona.
- **Recruitment.** Many LGBT and non-LGBT workers, in particular those who are younger and more highly educated, prefer to work for companies with more LGBT-supportive policies, and in states with more supportive laws. To the extent that workers from other states perceive Arizona to be unsupportive of LGBT people, it may be difficult for public and private employers in the state to recruit talented employees from other places.

¹¹ PRING ET AL., *supra* note 2 at 37

- **Public Benefits Expenditures.** Discrimination can lead to hardships for individuals including lower earnings, underemployment or unemployment, and loss of housing, which in turn can lead to increased reliance on public benefits. As an illustration of how the state is impacted by the economic instability of LGBT residents, we estimate that discrimination in the workplace against transgender people annually costs Arizona approximately \$562,000 in state Medicaid expenditures.

Bullying and Family Rejection of LGBT Youth Negatively Impact the Economy

- Bullying and family rejection of LGBT youth can cause them to miss or drop out of school, become homeless, or be unemployed or underemployed.
- In response to the 2015 U.S. Transgender Survey, 17% of respondents who experienced harassment while K-12 students said the harassment was so severe that they had to leave school.¹²
- School drop-out and homelessness that arise due to bullying and family rejection are harmful not only to individual LGBT youth, but also have societal consequences in that they reduce the capacity of these youth to contribute to the economy as adults.
- In addition, school-based harassment and family rejection can increase costs to the state via Medicaid expenditures, incarceration, and lost wages. The Jim Casey Foundation has estimated that homelessness, juvenile justice involvement, and poor educational and employment outcomes cost nearly \$8 billion per cohort that ages out of foster care each year in the U.S. The best available data suggest that LGBT youth make up one-fifth, if not more, of each annual aging out cohort.

Health Disparities for LGBT People Negatively Impact the Economy

- A more supportive legal landscape and social climate for LGBT people in Arizona would likely reduce health disparities between LGBT and non-LGBT people, which would increase worker productivity and reduce health care costs.
- We estimate that reducing the disparity in major depressive disorder between LGBT and non-LGBT people in Arizona by 25% to 33.3% could benefit the state's economy by \$78.0 million to \$104.5 million annually; reducing the disparity in current smoking by the same proportion could benefit the state's economy by \$35.6 million to \$47.4 million in increased productivity and reduced health care costs each year.

Reduction in Costs Associated with Major Depressive Disorder and Smoking in Arizona
if LGBT Disparity Were Reduced

Health Characteristic	Reduction in disparity between LGBT and Non-LGBT Arizonans	LGBT individuals impacted	Annual reduction in costs (millions)
Major Depressive Disorder	25%-33.3%	5,000-6,700	\$78.0 - \$104.5
Smoking	25%-33.3%	5,700-7,600	\$35.6 - \$47.4

¹² THE NATIONAL CENTER FOR TRANSGENDER EQUALITY & ONE COMMUNITY, *supra* note 1 at 1.

SECTION I. LGBT POPULATION, LEGAL LANDSCAPE, AND SOCIAL CLIMATE IN ARIZONA

Arizona is home to an estimated 203,000 LGBT adults and approximately 45,550 LGBT youth who reflect the diversity of the state's overall population. There are few legal protections for LGBT people in Arizona.¹³ Additionally, the state is ranked 29th in the nation in terms of LGBT social climate (as measured by public support for LGBT rights and acceptance of LGBT people).¹⁴ However, despite this standing, public opinion polls also show that a majority of Arizonans support extending discrimination protections to LGBT people.¹⁵

A. *LGBT People in Arizona*

1. LGBT Adults in Arizona

Arizona is home to approximately 203,000 LGBT adults (3.9% of adults in the state self-identify as LGBT),¹⁶ including 30,550 transgender adults (0.62% of the state's adult population).¹⁷ LGBT adults in Arizona are diverse across many socio-demographic characteristics, including age, sex, race-ethnicity, and the presence of children in the household.

- Representative data from the combined 2012-2014 Gallup Daily Tracking Surveys indicate that LGBT adults in Arizona, like LGBT adults elsewhere in the United States, are younger than non-LGBT adults.¹⁸ As shown in Table 1 below, nearly half of LGBT adults in Arizona are under the age of 40.
- Approximately half of both LGBT and non-LGBT adults are female.
- A little more than one-third of LGBT adults in Arizona are people of color, including 22% Latino/a, 4% African American/Black, 18% Latino/a, 3% American Indian or

¹³ See Section I.B., *infra* for a discussion of the legal landscape for LGBT people in Arizona.

¹⁴ AMIRA HASENBUSH, ANDREW R. FLORES, ANGELIKI KASTANIS, BRAD SEARS & GARY J. GATES, WILLIAMS INST., THE LGBT DIVIDE: A DATA PORTRAIT OF LGBT PEOPLE IN THE MIDWESTERN, MOUNTAIN & SOUTHERN STATES 22 (2014), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-divide-Dec-2014.pdf>.

¹⁵ See Section I.C., *infra*.

¹⁶ LGBT Data & Demographics: Arizona, Williams Institute, <http://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT&area=12#density> (last visited Mar. 13, 2017) (percentage of adults in Arizona identifying as LGBT). Total adult population in the state is 5,209,814. For total population: search American FactFinder, <http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> (last visited Feb. 13, 2018) (select advanced search, enter "Population by Single Year of Age and Sex" under topic or table name and "Arizona" under state, county or place, select "Annual Estimates of the Resident Population by Single Year of Age and Sex for the United States, States, and Puerto Rico Commonwealth: April 1, 2010 to July 1, 2015" 2015 estimates).

¹⁷ ANDREW R. FLORES, JODY L. HERMAN, GARY J. GATES & TAYLOR N.T. BROWN, WILLIAMS INST., HOW MANY ADULTS IDENTIFY AS TRANSGENDER IN THE UNITED STATES? 2 (2016), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/How-Many-Adults-Identify-as-Transgender-in-the-United-States.pdf>.

¹⁸ LGBT Data & Demographics: Arizona, *supra* note 16.

Alaska Native, 1% Asian or Pacific Islander, and 6% who identify as another race other than White.

Table I.a. Weighted Characteristics of Arizona Adult Participants in the 2012-2014 Gallup Daily Tracking Surveys by LGBT and non-LGBT Status (N = 9,008)¹⁹

	LGBT (n = 303) %	Non-LGBT (n = 8,705) %
Age		
18-24	24	12
25-39	24	23
40-64	40	43
65+	12	22
Sex		
Female	52	51
Male	48	49
Race-ethnicity		
White	63	69
African-American/Black	4	4
Latino/a or Hispanic	22	18
Asian-Pacific Islander	1	1
American Indian or Alaska Native	3	2
Other	6	6
Children under 18 in Household	27	38

- Many LGBT adults in Arizona are raising children, in the context of same- and opposite-sex relationships, married and unmarried, and as single parents. Approximately 27% of LGBT adults in Arizona (54,900 individuals)²⁰ and about one in six cohabiting same-sex couples are raising children.²¹ As of 2015, there were approximately 43,200 same-sex couples (married or unmarried but cohabiting) living in Arizona.²² While different-sex married couples are more likely to be raising children than same-sex couples, among cohabiting couples with children, same-sex couples are about twice as likely to be raising adopted children as different-sex couples in the state (6% v. 3%).²³

¹⁹ *Id.*

²⁰ *Id.*

²¹ Unpublished analyses conducted by The Williams Institute of data from the combined 2015 American Community Survey 1-Year estimates restricted to cohabiting couples in Arizona indicate that 41.2% of different-sex couples and 16.2% of same-sex couples have a child under the age of 18 in the household.

²² Unpublished analyses conducted by The Williams Institute. This figure is calculated by multiplying the number of LGBT adults in Arizona in 2015 (203,000) by the percent of LGBT adults who are married to a spouse of the same sex (9.6%) and the percent of LGBT adults who are in a cohabiting, unmarried same-sex couple (11.7%) as of November, 2015. The sum of these two estimates equals the number of cohabiting same-sex couples in Arizona in 2015. See Jeffrey M. Jones & Gary J. Gates, *Same-sex Marriages up After Supreme Court Ruling*, GALLUP (Nov. 5, 2015), <http://news.gallup.com/poll/186518/sex-marriages-supreme-court-ruling.aspx> (Detailing estimates of the proportion of LGBT adults who are in married or unmarried couples).

²³ HASENBUSH ET AL., *supra* note 14 at 31.

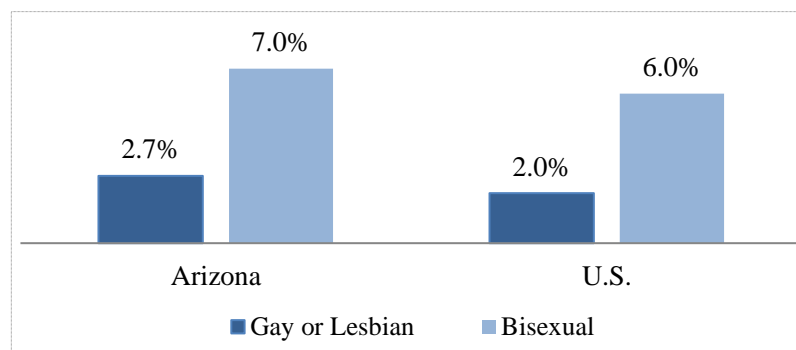
2. LGBT Youth in Arizona

The Youth Risk Behavior Surveillance System survey (YRBS) is a state-administered, school-based survey of health and health determinants that is managed by the Centers for Disease Control and Prevention (CDC). The YRBS is one of the few sources of data about LGB youth in grades 9 through 12. In 2016, the CDC released a report about the health and well-being of these youth from states and large urban school districts that included measures of sexual orientation in their 2015 YRBS survey.²⁴ Questions that would make transgender youth participants identifiable on the YRBS were not in the 2015 survey.

Weighted estimates from the Arizona YRBS indicate that 9.7% of youth in grades 9-12 identify as gay or lesbian (2.7%) or bisexual (7.0%) (see Figure I.a.).²⁵ In Arizona, as in the national YRBS sample, youth are more likely to identify as bisexual than gay or lesbian.

Figure I.a. Percentage of Students Who Identify as Gay or Lesbian or Bisexual in Arizona and in the U.S.

Source: Laura Kann et al., *Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors among Students in Grades 9–12, United States and Selected Sites, 2016*



We estimate that there are approximately 45,550 LGBT youth in the state of Arizona, including almost 43,600 LGB youth, 1,700 of whom are also transgender, (9.7%^{26,27} of 449,388 youth ages 13 to 17 in Arizona)²⁸ plus an approximate 1,950 transgender youth who are straight/heterosexual (i.e., are not LGB). In total, an estimated 3,650 youth ages 13 to 17 in

²⁴ See Laura Kann et al., *Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9–12 – United States and Selected Sites, 2015*, 65 MORBIDITY AND MORTALITY WEEKLY REPORT 1, 83 (2016), available at <http://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>.

²⁵ *Id.* at 85.

²⁶ *Id.* at 83.

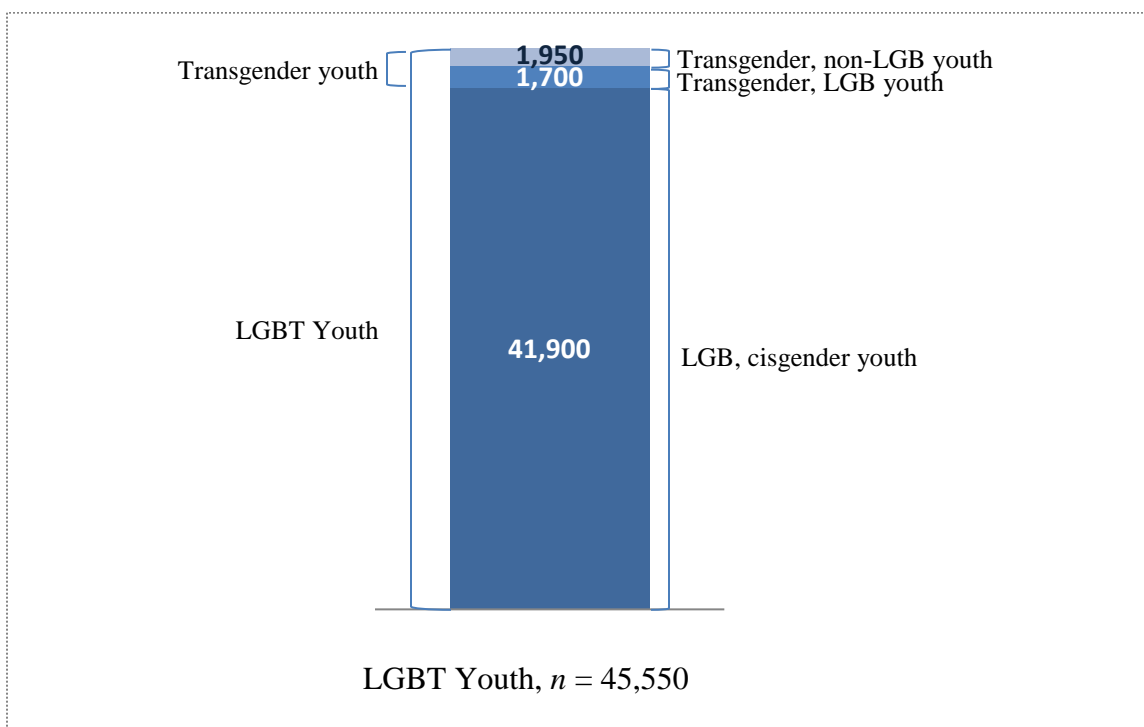
²⁷ Using the national estimate, we assume the same distribution of sexual orientation across all youth in the state, including those who declined to answer this question on the YRBS and those who are not enrolled in school.

²⁸ Population data (aged 13-17) derive from the 2011-2013 American Community Survey 3-Year estimates.

Arizona are transgender.²⁹ We estimate that 54% of these transgender youth identify as straight/heterosexual.³⁰

Figure I.b. Estimates of the LGBT Youth Population of Arizona ages 13-17

Sources: Arizona YRBS, 2015; American Community Survey, 2015



Nationally, LGB youth are more likely to be female than male. Among national YRBS participants, male and female students were equally as likely to identify as gay or lesbian (2.0%). However, a larger percentage of female students identified as bisexual than male students (9.8% versus 2.4%, respectively).

B. Legal Landscape for LGBT People in Arizona

Arizona's legal landscape reflects a history of state laws and policies that limit protections for LGBT people or discriminate against them. Although same-sex couples have been able to legally marry in the state since October 2014,³¹ the state and most localities continue to lack protections from sexual orientation and gender identity discrimination in the workplace, housing, public accommodations, and other areas.

²⁹ FLORES ET AL., *supra* note 17 at 4.

³⁰ Unpublished analyses conducted by The Williams Institute of data from the combined 2014-2015 Behavioral Risk Factor Surveillance System (BRFSS) restricted to transgender-identified participants ages 18-24 indicate that 54% identify as straight.

³¹ *Connolly v. Jeanes*, 73 F. Supp. 3d 1094 (D. Ariz. 2014).

1. Historical Legal Landscape

Although Arizona's sodomy law was repealed in 2001,³² and marriage rights were extended to same-sex couples in 2014, these historical anti-LGBT laws likely have lingering negative effects on the social climate for LGBT people in the state.

Sodomy Law. Enforcement of Arizona's sodomy law indicates a centuries-long history of discrimination against LGB people in the state. In 1864, the Arizona Legislature enacted a criminal sodomy law that carried a penalty of five years to life in prison.³³ The law was expanded to include additional forms of sexual activity in 1913 and again in 1917, but the penalty was reduced to one to five years imprisonment.³⁴ Arizona laws enacted later required individuals convicted under the state's sodomy laws, including those who engage in consensual sexual activity with other adults, to register as sex offenders.³⁵ In 2001, the state repealed its sodomy law.³⁶

The state's sodomy laws, as written, applied to sexual activity between both same-sex and different-sex partners.³⁷ However, available case law suggests that the sodomy laws were disproportionately enforced against male same-sex partners.³⁸

Marriage Equality. Decades before any state extended marriage to same-sex couples, the Arizona Legislature passed several statutes restricting relationship recognition for same-sex couples. Arizona first enacted legislation defining marriage as a union between a man and a woman in 1975.³⁹ In 1996, the Arizona Legislature passed a statute explicitly stating that "[m]arriage between persons of the same-sex is void and prohibited."⁴⁰ In 2006, Arizona voters rejected a proposed constitutional amendment prohibiting marriage and other forms of legal relationship recognition for same-sex couples.⁴¹ However, voters approved a narrower constitutional amendment in 2008.⁴² The amendment banned same-sex couples from marrying, but did not expressly prohibit recognition of other relationship statuses, such as civil unions or domestic partnerships, though the state did not offer any form of relationship recognition for same-sex couples at the time.⁴³

³² H.B. 2016, 45th Leg., 1st Reg. Sess. (Ariz. 2001).

³³ George Painter, *The Sensibilities of Our Forefathers: The History of Sodomy Laws in the United States*, GLAPN.org, <https://www.glapn.org/sodomylaws/sensibilities/arizona.htm> (last visited Dec. 14, 2017).

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ H.B. 2024, 32nd Leg., Reg. Sess. (Ariz. 1975).

⁴⁰ ARIZ. REV. STAT. § 25-101(C).

⁴¹ Ariz. Prop. 107 (2006).

⁴² Ariz. Prop. 102 (2008).

⁴³ *Id.*

In October 2014, the U.S. Ninth Circuit Court of Appeals held that laws banning marriage for same-sex couples in Idaho and Nevada violated the Equal Protection Clause of the U.S. Constitution.⁴⁴ Shortly thereafter, the federal district court in Arizona struck down the state's marriage ban, stating that it was bound to do so by Ninth Circuit precedent.⁴⁵ The court refused to issue a stay and the ruling went into effect immediately, allowing same-sex couples to begin legally marrying in the state on October 17, 2014.⁴⁶

2. Current Legal Landscape

Discrimination Protections. Arizona does not have a statewide statute that explicitly prohibits discrimination based on sexual orientation or gender identity.⁴⁷ The Arizona Civil Rights Act does prohibit discrimination based on other personal characteristics, including race, sex, religion, age, national origin, disability, and/or familial status in employment, housing, and public accommodations.⁴⁸ Legislative efforts to add sexual orientation and gender identity to the Arizona Civil Rights Act have repeatedly failed.⁴⁹

Some localities in Arizona have enacted local ordinances that prohibit discrimination based on sexual orientation and gender identity, and a gubernatorial executive order protects state government workers from discrimination based on sexual orientation, creating a patchwork of legal protections for LGBT people in the state.

Five cities in Arizona—Flagstaff, Phoenix, Sedona, Tempe, and Tucson—have enacted local ordinances that prohibit discrimination based on sexual orientation and gender identity (among other personal characteristics). Four of these cities have broad local ordinances that prohibit discrimination based on both sexual orientation and gender identity in employment, housing, and public accommodations: Phoenix,⁵⁰ Sedona,⁵¹ Tempe⁵² and Tucson.⁵³ Flagstaff's ordinance is more limited in scope. Flagstaff's ordinance prohibits discrimination based on sexual orientation

⁴⁴ *Latta v. Otter*, 771 F.3d 456 (9th Cir. 2014).

⁴⁵ *Connolly*, *supra* note 31 at 1096.

⁴⁶ *Id.*

⁴⁷ Some federal laws that prohibit discrimination based on sex, including Title VII, have been interpreted by some courts and federal agencies to also prohibit discrimination based on gender identity and sexual orientation. These laws would apply to workers and residents of Arizona, though they are not discussed here because they are outside the scope of this memo. See Examples of Court Decisions Supporting Coverage of LGBT-Related Discrimination Under Title VII, U.S. EEOC, https://www.eeoc.gov/eeoc/newsroom/wysk/lgbt_examples_decisions.cfm (last visited Jan. 3, 2017).

⁴⁸ ARIZ. REV. STAT. § 41-1401 *et seq.* (2017).

⁴⁹ *E.g.*, H.R. 2002, 48th Leg., 2d Reg. Sess. (Ariz. 2008); H.R. 2712, 48th Leg., 2d Reg. Sess. (Ariz. 2008); S. 1416, 48th Leg., 2d Reg. Sess. (Ariz. 2008); H.R. 2455, 49th Leg., 1st Reg. Sess. (Ariz. 2009); S.B. 1368, 49th Leg. 1st Reg. Sess. (Ariz. 2009); S. 1493, 50th Leg., 2d Reg. Sess. (Ariz. 2012); S. 1163, 51st Leg., 1st Reg. Sess. (Ariz. 2013); S. 1443, 51st Leg., 2d Reg. Sess. (Ariz. 2014).

⁵⁰ PHOENIX, ARIZ., CODE §18-1 *et seq.* (2017).

⁵¹ SEDONA, ARIZ., CODE § 9.30.010 *et seq.* (2017).

⁵² TEMPE, ARIZ., CODE §§ 2-660 *et seq.*; 22-91 *et seq.* (2017).

⁵³ TUCSON, ARIZ., CODE § 17-0 *et seq.* (2017).

and gender identity in employment and public accommodations, but not in housing (the city does not have a local housing non-discrimination ordinance).⁵⁴

The ordinances in all five cities allow individuals who believe they have experienced discrimination to file an administrative complaint with the city.⁵⁵ The cities are then required to attempt to reach a voluntary agreement to settle the matter before further enforcement action is taken.⁵⁶ If the complaint cannot be settled voluntarily, the complaints can be enforced by the city attorney in court.⁵⁷ Violations are punishable by civil fines or criminal sanctions.⁵⁸

Unlike the Arizona Civil Rights Act, most of the ordinances do not provide for a private right of action in court.⁵⁹ The one exception is Phoenix's ordinance, which provides more robust enforcement mechanisms in cases of housing discrimination. In Phoenix, complaints of housing discrimination can be enforced administratively or complainants can opt to file a private civil action in court instead.⁶⁰ If a court determines that housing discrimination has occurred, it may award actual and punitive damages, reasonable attorney's fees, court costs, and issue a temporary or permanent injunction.⁶¹

In addition, a gubernatorial executive order issued by former governor Janet Napolitano in 2003 protects state government employees from discrimination based on sexual orientation.⁶² The Order requires executive agency heads to ensure that the non-discriminatory policy is reflected in all agency programs and materials and to design procedures for handling complaints of sexual orientation discrimination within the agency.⁶³ The Order does not explicitly permit employees to file suit in court based on a violation of its non-discrimination requirements.⁶⁴

Local non-discrimination ordinances protect approximately one-third of Arizona's adult population from discrimination based on sexual orientation and gender identity in housing (32%)

⁵⁴ FLAGSTAFF, ARIZ., CODE § 14-02-001-0001 *et seq.* (2017).

⁵⁵ FLAGSTAFF, ARIZ., CODE § 14-02-001-0006; PHOENIX, ARIZ., CODE § 18-5; SEDONA, ARIZ., CODE § 9.30.080; TEMPE, ARIZ., CODE §§ 2-606, 2-94; TUCSON, ARIZ., CODE §§ 17-15, 17-54.

⁵⁶ FLAGSTAFF, ARIZ., CODE § 14-02-001-0006; PHOENIX, ARIZ., CODE §§ 18-5, 18-11.31; SEDONA, ARIZ., CODE § 9.30.080; TEMPE, ARIZ., CODE §§ 2-606, 2-94; TUCSON, ARIZ., CODE §§ 17-15, 17-54.

⁵⁷ FLAGSTAFF, ARIZ., CODE § 14-02-001-0006; PHOENIX, ARIZ., CODE §§ 18-6, 18-11.31; SEDONA, ARIZ., CODE § 9.30.080; TEMPE, ARIZ., CODE §§ 2-606, 2-94; TUCSON, ARIZ., CODE §§ 17-15, 17-54.

⁵⁸ FLAGSTAFF, ARIZ., CODE § 14-02-001-0005; PHOENIX, ARIZ., CODE § 18-6; SEDONA, ARIZ., CODE § 9.30.090; TEMPE, ARIZ., CODE § 2-606; TUCSON, ARIZ., CODE § 17-14.

⁵⁹ FLAGSTAFF, ARIZ., CODE § 14-02-001-0007; PHOENIX, ARIZ., CODE § 18-5; SEDONA, ARIZ., CODE § 9.30.100; TEMPE, ARIZ., CODE § 2-607; TUCSON, ARIZ., CODE §§ 17-15, 17-54.

⁶⁰ PHOENIX, ARIZ., CODE §§ 18-11.10 to 18-11.14, 18-11.33.

⁶¹ PHOENIX, ARIZ., CODE § 18-11.35.

⁶² Ariz. Exec. Order No. 2003-22, 9 A.A.R. 4032 (2003), <http://azmemory.azlibrary.gov/cdm/ref/collection/execorders/id/430>.

⁶³ *Id.*

⁶⁴ *See id.*; *see also* JEROME HUNT, CTR. FOR AM. PROGRESS ACTION FUND, A STATE-BY-STATE EXAMINATION OF NONDISCRIMINATION LAWS AND POLICIES 23 (2012), https://www.americanprogress.org/wp-content/uploads/issues/2012/06/pdf/state_nondiscrimination.pdf.

and public accommodations (33%).⁶⁵ The local ordinances also protect approximately one-third (33%) of Arizona’s workforce, aged 16 and older, from sexual orientation and gender identity discrimination in employment,⁶⁶ and the state’s executive order protects an additional 5% of the state’s workforce from discrimination based on sexual orientation.⁶⁷ An estimated 112,000 of workers in Arizona, aged 16 and older, identify as LGBT (3.7% of the state’s workforce).⁶⁸

Parenting Rights. Until recently, Arizona law presented unique barriers to family formation for same-sex couples. First, Arizona’s adoption statute states that only a “husband and wife” are permitted to jointly adopt children, though any adult is eligible to adopt as an individual.⁶⁹ As a result of this statute, same-sex couples were historically barred from jointly adopting children. Additionally, Arizona statutes that address parental rights presented challenges for same-sex couples because they use gendered terms that assume that the child’s parents are members of a different-sex couple or they apply only if the couple is married, which was not an option for same-sex couples in Arizona until 2014. For example, Arizona’s presumptive parentage statute provides only for situations in which “a man is presumed to be the father of the child,” such as when a “birth certificate is signed by the mother and father of a child born out of wedlock.”⁷⁰ And, Arizona’s artificial insemination law states that a “child who is born as a result of artificial insemination is entitled to support from the mother... and the mother’s spouse if the spouse is either the biological father of the child or agreed in writing to the insemination before or after the insemination occurred.”⁷¹

In 2017, the Arizona Supreme Court held in *McLaughlin v. Jones* that the “state must afford parenting rights to members of same-sex couples on an equal basis with opposite-sex couples.”⁷² The court determined that this result was required by the U.S. Supreme Court’s decision in

⁶⁵ Calculated by authors using data from the U.S. Census Bureau 2016 American Community Survey, 2016 1-Year-Estimates, Arizona. U.S. Census Bureau, *Age and Sex*, FACTFINDER.COM, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_16_5YR_S0101&prodType=table (last visited Dec. 14, 2017).

⁶⁶ Calculated by authors using data from the U.S. Census Bureau 2016 American Community Survey, 2016 1-Year-Estimates, Arizona. U.S. Census Bureau, *Sex by Class of Worker for the Civilian Population Aged 16 Years and Over*, FACTFINDER.COM, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_1YR_B24080&prodType=table (last visited Dec. 14, 2017).

⁶⁷ *Id.*

⁶⁸ This estimate was reached by applying the percentage of Arizona’s workforce that identifies as LGBT (3.7%) to the number of people in Arizona’s civilian labor force in 2016, the most recent year of data available (3,031,781). Workforce data available at Calculated by authors using data from the U.S. Census Bureau 2016 American Community Survey, 2016 1-Year-Estimates, Arizona. U.S. Census Bureau, *Sex by Class of Worker for the Civilian Population Aged 16 Years and Over*, FACTFINDER.COM, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_1YR_B24080&prodType=table (last visited Dec. 14, 2017).

⁶⁹ ARIZ. REV. STAT. § 8-103.

⁷⁰ ARIZ. REV. STAT. § 25-814.

⁷¹ ARIZ. REV. STAT. § 25-501(B).

⁷² *McLaughlin v. Jones*, 401 P.3d 492, 500 (Ariz. 2017).

Obergefell v. Hodges, which it interpreted to guarantee same-sex couples not only the right to marry, but to enjoy “the same benefits of marriage afforded opposite-sex couples.”⁷³ In *McLaughlin*, the court specifically extended the marital paternity presumption to a female same-sex couple, but the broad holding clearly indicates that all state laws pertaining to marriage or married couples must apply equally to same-sex and different-sex couples. The court noted that equal application of the laws need not “occur through case-by-case litigation” and called on the legislative and executive branches to “forestall unnecessary litigation and help ensure that Arizona law guarantees same-sex spouses the dignity and equality the Constitution requires—namely, the same benefits afforded couples in opposite-sex marriages.”⁷⁴ As a result, same-sex couples in Arizona should no longer face legal barriers to becoming parents through adoption or ART.

Safe Schools and Youth. Arizona’s anti-bullying law requires that school districts adopt and enforce policies against bullying, harassment, and intimidation of students.⁷⁵ Unlike many state anti-bullying laws, Arizona’s statute does not include an enumerated list of personal characteristics based on which students are likely to be bullied, such as race, sex, sexual orientation, or gender identity.⁷⁶ Arizona’s law regulating HIV/AIDS education in public schools forbids school districts from including any instruction which “1. Promotes a homosexual life-style; 2. Portrays homosexuality as a positive alternative life-style; [or] 3. Suggests that some methods of sex are safe methods of homosexual sex.”⁷⁷ LGBT students in states with laws like this one are more likely to report hostile school climates and are less likely to report access to LGBT-inclusive school supports.⁷⁸

Gender Marker and Name Changes. Arizona allows individuals to change their gender marker and name on identification documents. In Arizona, a legal name change can be obtained by petitioning the court.⁷⁹ All applicants must provide the reason they are requesting a name change.⁸⁰ In deciding whether to grant a name change, the court must consider several criteria, including whether the applicant is requesting a name change “solely for [the person’s] best interest.”⁸¹

⁷³ *Id.* at 497.

⁷⁴ *Id.* at 501.

⁷⁵ ARIZ. REV. STAT. § 15-341.37.

⁷⁶ 18 states and the District of Columbia have enumerated anti-bullying laws that include sexual orientation and gender identity along with other personal characteristics. State Maps, GLSEN.ORG, <http://www.glsen.org/article/state-maps> (last visited July 5, 2017).

⁷⁷ ARIZ. REV. STAT. § 15-716(C).

⁷⁸ GLSEN, LAWS PROHIBITING “PROMOTION OF HOMOSEXUALITY IN SCHOOLS”: IMPACTS AND IMPLICATIONS (2018), <https://www.glsen.org/article/laws-prohibit-promotion-homosexuality-impacts-and-implications>.

⁷⁹ *Id.* § 12-601.

⁸⁰ *Id.* § 12-601(A).

⁸¹ *Id.* § 12-601(C).

Individuals in Arizona may update their name and gender on a driver's license or state ID card by providing to the Arizona Department of Transportation a certified copy of the court order granting the name change (within 10 days of the order) and a signed statement from a licensed physician attesting that the applicant is irrevocably committed to the gender-change process.⁸² The individual must also have changed their name with the Social Security Administration before requesting a name change on their driver's license.⁸³

Individuals in Arizona may change the name on their birth certificate by providing the court order granting the name change along with a letter or application requesting the name change to the Arizona Department of Health Services.⁸⁴ Arizona will change the gender marker on a birth certificate "for a person who has undergone a sex change operation or has a chromosomal count that establishes the sex of the person as different than in the registered birth certificate."⁸⁵ In order to change the gender marker on a birth certificate, individuals must provide a written request and written verification of surgery or chromosome count from a doctor to the Arizona Department of Health Services.⁸⁶

Other protections. Arizona includes sexual orientation in its hate crimes law, providing for enhanced penalties for crimes committed because of the victim's sexual orientation.⁸⁷ In addition, Arizona law requires the Arizona Department of Public Safety to collect data on hate crimes committed in the state, including crimes motivated by the victims' sexual orientation, and requires that law enforcement officers are trained in responding to these types of crimes.⁸⁸ The laws do not include gender identity.

Arizona lacks several other legal protections for LGBT people that have been enacted in other states, including a law that prohibits health insurance providers from discriminating based on sexual orientation or gender identity,⁸⁹ a law that requires such providers to offer coverage for transition-specific medical care,⁹⁰ and a statewide ban on professional therapists engaging in efforts to change people's sexual orientation or gender identity.⁹¹

⁸² Ariz. Dep't of Transp., Driver License Information, <https://www.azdot.gov/motor-vehicles/driver-services/driver-license-information/change-your-address-or-name> (last visited Dec. 20, 2017); Nat'l Center for Transgender Equality, ID Documents Center: Arizona, <https://transequality.org/documents/state/arizona> (last visited Dec. 20, 2017).

⁸³ *Id.*

⁸⁴ Maricopa Cty., Ariz., Change a Birth Certificate, <https://www.maricopa.gov/1332/Change-a-Birth-Certificate> (last visited Dec. 20, 2017).

⁸⁵ ARIZ. REV. STAT. § 36-337(A).

⁸⁶ *Id.*

⁸⁷ ARIZ. REV. STAT. § 13-701(D)(15); 41-1750(3).

⁸⁸ *Id.* §§ 41-1750(A)(3); 41-1822(A)(4).

⁸⁹ At least 16 states and the District of Columbia have such laws (research on file with the authors).

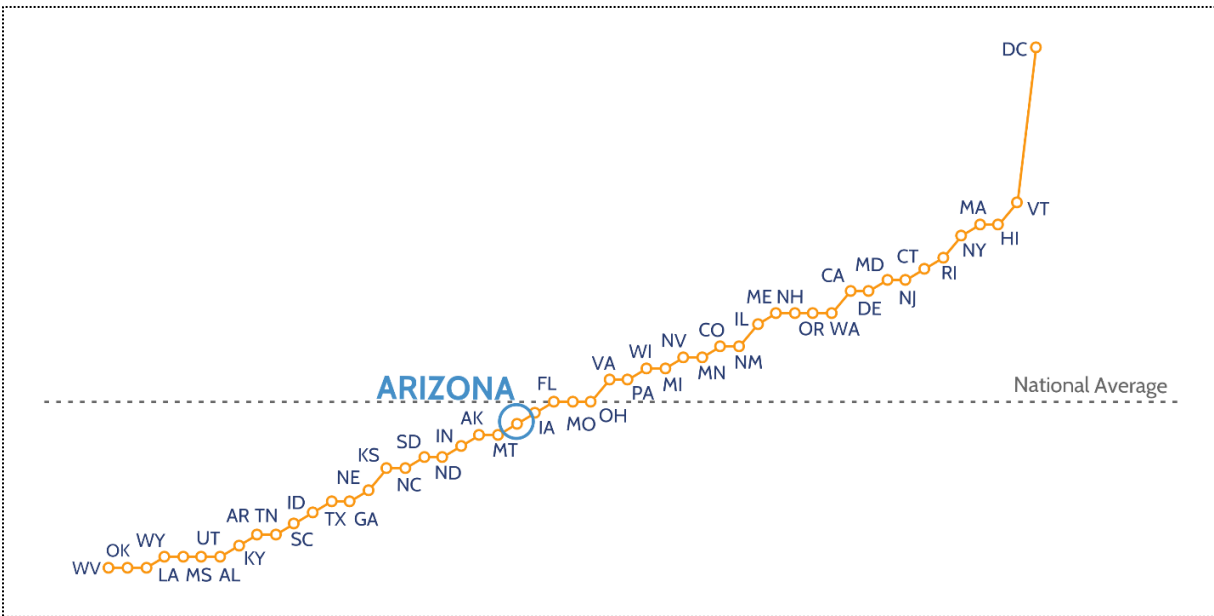
⁹⁰ At least 15 states and the District of Columbia have such laws (research on file with the authors).

⁹¹ Nine states in the U.S. and the District of Columbia have such bans, which generally prohibit therapists and other medical professionals from trying to change a youth's sexual orientation or gender identity (research on file with the authors). One county in Arizona, Pima County, has enacted a local level ban on the use of conversion therapy on minors. Pima Cty., Ariz., Ord. 2017-22 (2017).

C. Public Opinion

In 2014, Williams Institute scholars created the LGB Social and Political Climate Index to characterize the social environment in which LGB people reside.⁹² The Index summarizes four items about acceptance of LGB people and attitudes toward LGB rights: 1) approval of marriage for same-sex couples; 2) approval of adoption rights for same-sex couples; 3) approval of laws that protect lesbians and gay men from employment discrimination; and 4) belief that homosexuality is a sin.⁹³ The Index provides climate scores for each state and the District of Columbia, denoting relative levels of social and political support for LGBT people across the U.S., with higher index scores indicating greater levels of social acceptance of LGB people and lower scores indicating lower acceptance. Out of all states, Arizona ranks 29th in its level of support for LGBT people and issues. Acceptance in Arizona is slightly below the national average.

Figure I.c. State Rankings on LGB Social & Political Climate Index (2014)



Although Arizona was below 27 states and D.C. in terms of support for LGBT people in 2014, polling data indicate that attitudes toward LGBT people in the state are improving over time. For example, in 2004, approximately 35% of Arizona residents supported marriage equality.⁹⁴

⁹² HASENBUSH ET AL., *supra* note 14 at 5.

⁹³ *Id.* at 6.

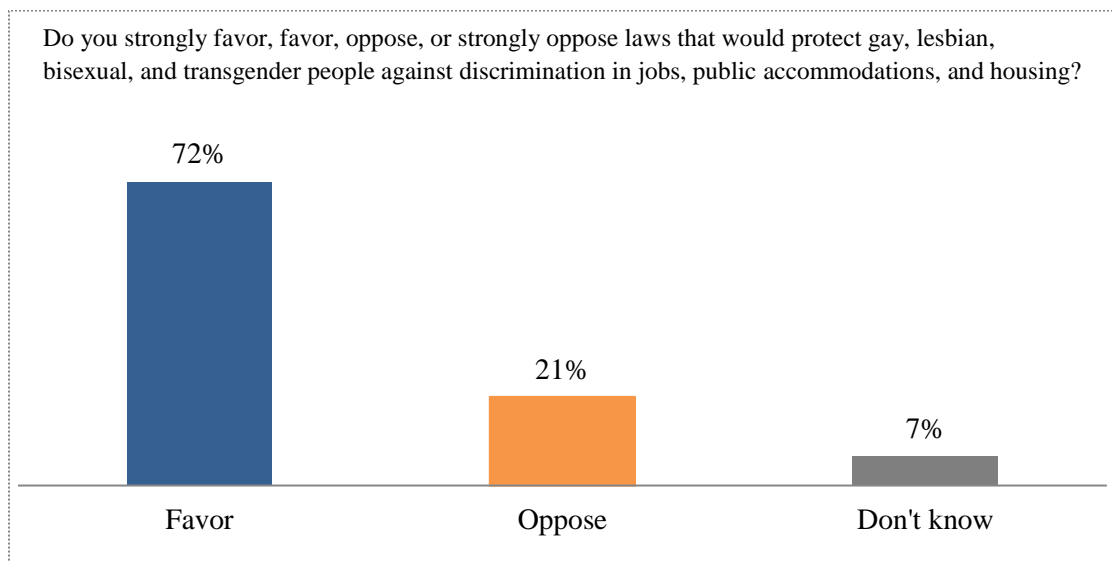
⁹⁴ ANDREW R. FLORES & SCOTT BARCLAY, WILLIAMS INST., TRENDS IN PUBLIC SUPPORT FOR MARRIAGE SAME-SEX COUPLES BY STATE (2015), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trends-in-Public-Support-for-Same-Sex-Marriage-2004-2014.pdf>.

By 2014, support increased to 57%⁹⁵ and in 2016, 62% of Arizonans polled said they supported marriage equality.⁹⁶

In addition, recent public opinion surveys indicate that a majority of Arizonans support expanding non-discrimination protections to include LGBT people. The 2015 American Values Survey, a representative survey of over 40,000 Americans across the United States, found that public attitudes in Arizona are in favor of policies that would protect LGBT people from discrimination with 72% supporting such policies and 21% opposing them.⁹⁷ A majority (58%) of Arizonans in the same survey also reported that they were opposed to policies that would allow small businesses to refuse service to lesbian and gay people for religious reasons.⁹⁸

Figure I.e. Support among Arizonans for LGBT Inclusive Non-Discrimination Policies

Source: American Values Survey, 2015



⁹⁵ *Id.* Longitudinal changes in support for marriage equality are rooted in two causes: generational change and attitude change. *Id.* Less than half of the changes over time are due to younger and more accepting generations replacing older ones. Gregory B. Lewis and Charles W. Gossett, *Changing Public Opinion on Same-Sex Marriage: The Case of California*, 36 *POLITICS & POLICY* 4 (2008).

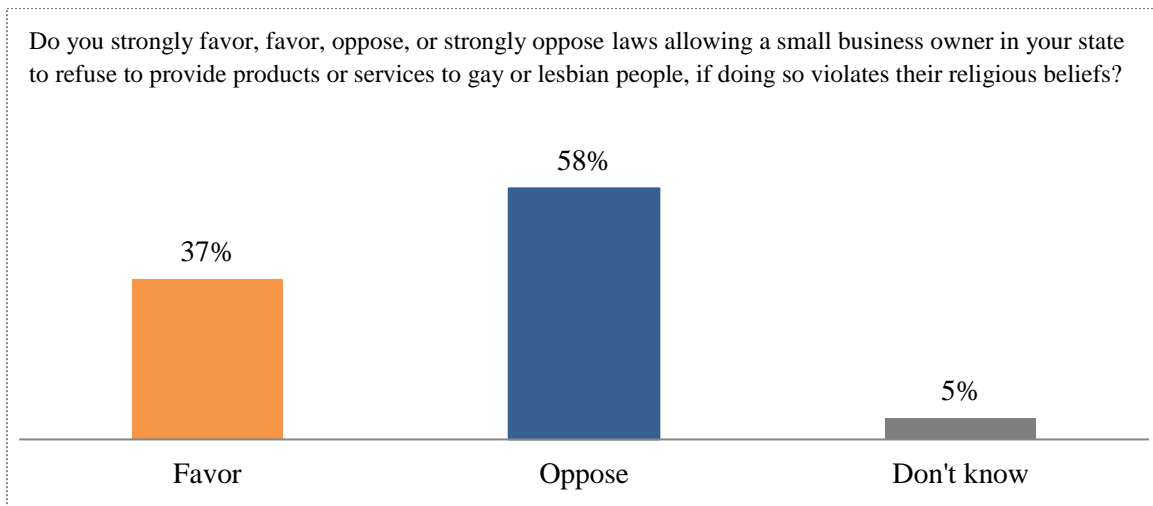
⁹⁶ PRRI, American Values Atlas, http://ava.prri.org/#lgbt/2016/States/lgbt_ssm/m/US-AZ (select “same-sex marriage”; select “Arizona;” select “2016”).

⁹⁷ 829 respondents to the survey were Arizona residents. DANIEL COX, RACHEL LIENESCH & ROBERT P. JONES, *BEYOND SAME-SEX MARRIAGE: ATTITUDES ON LGBT NONDISCRIMINATION LAWS AND RELIGIOUS EXEMPTIONS FROM THE 2015 AMERICAN VALUES ATLAS* (2015), available at <https://www.prri.org/research/poll-same-sex-gay-marriage-lgbt-nondiscrimination-religious-liberty/>.

⁹⁸ *Id.*

Figure I.f. Support among Arizonans for Laws Permitting Small Businesses to Refuse Services to Lesbian and Gay People

Source: American Values Survey, 2015



Similarly, a 2017 poll of Arizona voters conducted by Hart Research Associates found the majority of voters (59%) said they were in favor of the state passing a full range of LGBT-supportive laws including laws prohibiting discrimination based on employment, housing, and public accommodations; banning the use of conversion therapy; and prohibiting discrimination against LGBTQ parents and children in foster care and adoption.⁹⁹ Only 20% of voters said they were opposed to this group of protections.¹⁰⁰

In addition, 63% of respondents to the same poll said they were in favor of Congress passing the Equality Act, a federal bill which would prohibit discrimination against LGBT people in employment, housing, public accommodations, and other areas.¹⁰¹ Estimates based on a 2011 survey of the American public found that 77% of Arizonans are supportive of Congress passing a federal law to protect LGBT people from employment discrimination.¹⁰²

Despite majority support for LGBT-inclusive non-discrimination laws, only 39% of Arizona voters said that individuals should be allowed to use restrooms consistent with their gender identity in response to a 2016 poll. Just over half of those surveyed (51%) said individuals “should be required to use the restroom that matches their gender at birth.”¹⁰³ However, over

⁹⁹ HART RESEARCH ASSOCIATES, KEY FINDINGS FROM ARIZONA SURVEY OF LGBTQ EQUALITY at 1 (Dec. 8, 2017), available at https://assets2.hrc.org/files/documents/Hart-Polling-Memo-_Arizona.pdf.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² Andrew R. Flores, Jody L. Herman & Christy Mallory, *Transgender Inclusion in State Non-Discrimination Policies: The Democratic Deficit and Political Powerlessness*, RESEARCH & POLITICS 1 (Oct.-Dec. 2015).

¹⁰³ Alia Beard Rau, *Poll: Education, Age Influence Stance on Transgender Bathroom Issue*, AZCENTRAL.COM, Oct. 23, 2016, <https://www.azcentral.com/story/news/politics/arizona/2016/10/23/poll-arizona-bathroom-access-transgender/92483910/>.

half of younger voters (aged 18-25) said that individuals should be allowed to access restrooms consistent with their gender identity.¹⁰⁴

In summary, Arizona is slightly below the national average in terms of support for LGBT people but, in general, residents of Arizona have become more supportive of LGBT people and issues overtime.

¹⁰⁴ *Id.*

SECTION II. STIGMA AND DISCRIMINATION AGAINST LGBT ADULTS AND YOUTH IN ARIZONA

LGBT adults in Arizona experience discrimination in employment, housing, and public accommodations. The existence and prevalence of such discrimination has been documented in a variety of sources, including surveys, court cases, and anecdotal reports to the media. Additionally, bullying and harassment of LGBT youth in Arizona has been documented in surveys and anecdotal reports to the media. Research also suggests that many LGBT youth across the country face rejection by their families.

A. *Discrimination and Harassment in Employment, Housing, and Public Accommodations*

Discrimination against LGBT people in the U.S., as well as in Arizona, has been widely documented. For example, a 2017 survey by the Center of American Progress found that 25% of LGBT people had experienced some type of discrimination within the past year.¹⁰⁵ Similarly, a 2013 national survey conducted by Pew Research Center found that 21% of LGBT respondents in the U.S. reported having been treated unfairly by an employer in hiring, pay, or promotions.¹⁰⁶ Additionally, the 2015 U.S. Transgender Survey report, based on the largest survey of transgender and gender non-conforming people in the U.S. to date, found that 27% of respondents in the U.S. reported “being fired, denied a promotion, or not being hired for a job they applied for because of their gender identity or expression” within the prior year, and 15% reported being “verbally harassed, physically attacked, and/or sexually assaulted” at work in the year prior to the survey because of their gender identity.¹⁰⁷ In addition, 23% of transgender respondents in the U.S. reported experiencing some form of housing discrimination in the past year and 31% reported experiencing “at least one type of mistreatment in the past year in a place of public accommodation.”¹⁰⁸

¹⁰⁵ Sejal Singh & Laura E. Durso, *Widespread Discrimination Continues to Shape LGBT People’s Lives in Both Subtle and Significant Ways*, CENTER FOR AMERICAN PROGRESS (May 2, 2017), <https://www.americanprogress.org/issues/lgbt/news/2017/05/02/429529/widespread-discrimination-continues-shape-lgbt-peoples-lives-subtle-significant-ways/>.

¹⁰⁶ *A Survey of LGBT Americans: Attitudes, Experiences and Values in Changing Times*, PEW RESEARCH CENTER (June 13, 2013), <http://www.pewsocialtrends.org/2013/06/13/a-survey-of-lgbt-americans/>. Additionally, the nationally representative 2008 General Social Survey found that 37% of gay men and lesbians reported experiencing workplace harassment in the last five years, and 12% reported losing a job because of their sexual orientation. BRAD SEARS & CHRISTY MALLORY, WILLIAMS INST., DOCUMENTED EVIDENCE OF EMPLOYMENT DISCRIMINATION & ITS EFFECTS ON LGBT PEOPLE 2 (2011), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-20111.pdf>.

¹⁰⁷ SANDY JAMES ET AL., 2015 U.S. TRANSGENDER SURVEY 12 (2016), <http://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>.

¹⁰⁸ *Id.* at 13, 16.

Surveys of LGBT individuals in Arizona find similar levels of reported discrimination and harassment:

- The 2015 U.S. Transgender Survey report documented evidence of discrimination against transgender people in a range of areas, including employment, housing, and public accommodations. The survey found that of transgender respondents from Arizona who held or applied for a job in the prior year, 27% reported “being fired, being denied a promotion, or not being hired for a job” because of their gender identity or expression. Ten percent of respondents who had a job in the prior year reported being verbally harassed and 1% reported being sexually assaulted at work in the prior year because of their gender identity. Additionally, “15% of respondents who had ever been employed reported losing a job at some point in their lives because of their gender identity or expression.”¹⁰⁹

In terms of housing discrimination, 27% of respondents from Arizona reported experiencing “some form of housing discrimination in the past year, such as being evicted from their home or denied a home or apartment because of being transgender” and 32% reported that they “experienced homelessness in the past year because of being transgender.” Of those who had experienced homelessness, 32% said they “avoided staying in a shelter because they feared being mistreated as a transgender person.”¹¹⁰

In addition, “of respondents who visited a place of public accommodation where staff or employees knew or thought they were transgender, 35% experienced at least one type of mistreatment in the past year” because of being transgender. Forms of mistreatment experienced by respondents included being “denied equal treatment or service” (20%), verbal harassment (28%), and physical assault (2%).¹¹¹

- A 2014 survey of faculty and staff at the University of Arizona found that LGBTQ+ faculty and staff had experienced harassment and discrimination on campus.¹¹² Nearly 75% of LGBTQ+ and 18% of trans faculty and staff said that they had heard anti-LGBTQ+ slurs and comments on campus.¹¹³ Six percent of LGBTQ+ and 9% of trans faculty and staff said they heard these comments once per day.¹¹⁴ Over four percent of LGBTQ+

¹⁰⁹ The survey used a non-probability sampling method. THE NATIONAL CENTER FOR TRANSGENDER EQUALITY & ONE COMMUNITY, U.S. TRANSGENDER SURVEY: ARIZONA STATE REPORT 1 (2017), available at <http://www.transequality.org/sites/default/files/docs/usts/USTSAZStateReport%281017%29.pdf>.

¹¹⁰ *Id.* at 2.

¹¹¹ *Id.* at 2.

¹¹² LAUREN PRING ET AL., UNIV. OF ARIZ., LGBTQA+ NEEDS ASSESSMENT REPORT (2014), <http://lgbtq.arizona.edu/sites/lgbtq.arizona.edu/files/LGBTQA-NeedsAssessmentNarrativeReportFINAL.pdf>.

¹¹³ *Id.* at 45.

¹¹⁴ *Id.*

faculty and staff said they felt intimidated or threatened and 3% said they feared for their physical safety on campus because of their sexual orientation or gender identity.¹¹⁵

Nearly one-quarter (24%) of LGBTQ+ faculty and staff were not out to any of their supervisors about their sexual orientation and 29% were not out to any of their supervisors about their gender identity, though most said that supervisors were accepting of their sexual orientation or gender identity.¹¹⁶ Among LGBTQ+ respondents, 13% said they were not comfortable being out in the work place and 18% of trans respondent said the same.¹¹⁷

- A public opinion poll of Arizona voters conducted in 2017 found that 64% of respondents said that there continue to be many ways that LGBTQ people are treated unequally, despite now being able to legally marry.¹¹⁸
- A public opinion poll conducted in 2016 found that 59% of Arizona residents thought that gay and lesbian people experience a lot of discrimination in the U.S. and 64% of Arizona residents thought that transgender people experience a lot of discrimination in the U.S.¹¹⁹
- Analysis of aggregated public opinion data collected from 2011 through 2013 indicated that 79% of Arizona residents thought that LGBT people experience discrimination in the state.¹²⁰

Instances of discrimination against LGBT people in Arizona have also been documented in a number of court cases, administrative proceedings, the media, and other sources.

Recent examples of discrimination from court cases and administrative proceedings include:

- In January 2017, the Equal Employment Opportunity Commission (“EEOC”) filed a complaint against a Scottsdale café on behalf of two employees whom the EEOC found had been subjected to long-term harassment: one for being gay, and the other for being

¹¹⁵ *Id.*

¹¹⁶ *Id.* at 40.

¹¹⁷ *Id.* at 41.

¹¹⁸ HART RESEARCH ASSOCIATES, *supra* note 99 at 1.

¹¹⁹ PRRI, American Values Atlas: Arizona, <http://ava.prri.org/#discrimination/2016/States/trnsdis/m/US-AZ> (under dropdown menu for “Select Question” select “Discrimination against gay and lesbian people” or “Discrimination against transgender people;” under dropdown menu for “Select Response” select “Yes;” under dropdown menu for “Year” select “2016”).

¹²⁰ Andrew Flores & Scott Barclay, Williams Institute Analysis based on public opinion data from Evaluations of Government and Society Study, Survey 3 (2011) & Survey 4 (2012) and Pew Research Center Poll (2013) (data and calculations on file with authors).

perceived as gay.¹²¹ According to the EEOC, the staff regularly subjected the two employees “to sex-based derogatory comments, including but not limited to comments about their gender and/or their perceived nonconformance with sex- or gender-based . . . stereotypes of men.”¹²² Co-workers frequently used terms like “sissy,” “strawberry shortcake,” “faggot,” and “ginger snap” to refer to the men.¹²³ Despite receiving multiple reports of harassment, the general manager “refused to document” any complaints.¹²⁴ Finally, the EEOC alleged that the café retaliated against one of the employees by firing him after discovering his plans to file a formal external complaint about the harassment.¹²⁵ The restaurant closed in April 2017 without explanation,¹²⁶ and stopped defending its case; a motion for a default judgment is currently pending.¹²⁷

- In September 2016, the EEOC filed a complaint against a restaurant group after an investigation found reasonable cause to believe that four gay employees at its Phoenix restaurant were subjected to “open and notorious” harassment based on their sexual orientation.¹²⁸ Employees constantly used the term “faggot,” falsely reported that one of the gay male employees had AIDS when he called in sick, and used stereotypes such as a highly exaggerated feminine walk and limp wrist to mock gay men.¹²⁹ One of the gay employees was threatened with a knife by another employee who said, “I don’t like homosexuals . . . I don’t like the way you talk, I told you to stop talking.”¹³⁰ Despite repeated complaints of harassment, the restaurant failed to take corrective action, and, on one occasion “responded by daring them to sue.”¹³¹ The EEOC also alleged that the restaurant retaliated against the gay men and a female co-worker, who objected to the discrimination, by firing them.¹³² The case was resolved with a settlement, with the defendant paying a \$62,500 fine to the EEOC and an injunction prohibiting retaliation and requiring an internal EEO policy review, training, and posting of posters.¹³³

¹²¹ Compl. ¶¶ 7, 23, *EEOC v. Scottsdale Wine Café, LLC*, No. 2:17-cv-00182 (D. Ariz. Jan. 20, 2017) (“The EEOC investigated the charge of discrimination and issued a determination finding reasonable cause to believe that [5th & Wine] engaged in unlawful employment practices” due to persistent harassment regarding the sexual orientation of its employees.); Terrance Thornton, *EEOC Case Shines Light on Inequality*, N. Scottsdale Indep., Feb. 22, 2017, at 1.

¹²² *Scottsdale Wine Café, LLC*, Compl. ¶ 30.

¹²³ *Id.* ¶¶ 21, 22.

¹²⁴ *Id.* ¶ 24.

¹²⁵ *Id.* at 2.

¹²⁶ Steven Totten, *Scottsdale’s 5th and Wine has closed*, PHOENIX BUS. J., Apr 9, 2017,

<https://www.bizjournals.com/phoenix/news/2017/04/09/scottsdale-5th-and-wine-has-closed.html>.

¹²⁷ Plaintiff EEOC’s Motion for Default Judgment, *EEOC v. Scottsdale Wine Café, LLC*, No. 2:17-cv-00182 (D. Ariz. Dec. 18, 2017), ECF No. 32.

¹²⁸ Compl. ¶ 30, *EEOC v. Royal Dining Group*, No. 2:16-cv-03313 (D. Ariz. Sept. 29, 2016), ECF No. 1.

¹²⁹ *Id.* ¶ 29.

¹³⁰ *Id.*

¹³¹ *Id.* ¶ 33.

¹³² *Id.* ¶ 16.

¹³³ Joint Motion for Entry of Consent Decree & Proposed Consent Decree, *EEOC v. Royal Dining Group*, No. 2:16-cv-03313 (D. Ariz. Apr. 19, 2017), ECF No. 36. The claim was settled with the Better 4 You Meals entity; claims

- In May 2016, the owners of a studio in Phoenix that creates invitations and other handmade artwork for weddings and other events filed a lawsuit challenging the part of Phoenix’s non-discrimination ordinance that prohibits discrimination based on sexual orientation.¹³⁴ The studio challenged the law, in part, because the owners wanted to announce their religiously motivated intent to deny services to same-sex couples on their business’s website.¹³⁵ The Superior Court of Arizona rejected their challenge, and found that the couple had ignored online inquiries from same-sex couples to avoid being prosecuted if they refused to sell their products or services based on the sexual orientation of the customers.¹³⁶ The case is currently on appeal and has drawn public attention, with multiple amicus briefs filed in support of the City of Phoenix by organizations such as the ACLU and a consortium of Arizona businesses.¹³⁷
- In November 2015, a transgender corrections officer filed suit against the Arizona Department of Corrections alleging that his supervisors “told him that other officers in the Department are offended by his gender, that [he] is not safe in the Department, and that they would not respond to emergency calls from him.”¹³⁸ Additionally, the officer alleged that “other correctional officers had made transphobic comments about him, that his co-workers had informed prison inmates of his [transgender] status, and that supervisors had failed to undertake any investigation or corrective action.”¹³⁹ The case was dismissed by mutual stipulation in January 2017.¹⁴⁰
- In June 2015, a transgender woman filed a complaint of gender identity discrimination with the Tempe Diversity Office after being denied service by a local bar.¹⁴¹ The woman

against the related RDG corporate entities were voluntarily dismissed. Notice of Voluntary Dismissal, *EEOC v. Royal Dining Group*, No. 2:16-cv-03313 (D. Ariz. May 16, 2017), ECF No. 40.

¹³⁴ *Brush & Nib Studio LC v. City of Phoenix*, No. CV 2016-052251, slip op. at 2 (Ariz. Super. Ct. Sept. 16, 2016) (rejecting arguments that the ordinance violates the Arizona’s free speech and free exercise of religion laws); *see also* Jessica Boehm, *Court Upholds Service to Gay Couples*, THE ARIZ. REPUBLIC, Oct. 27, 2017, at A13.

¹³⁵ *Brush & Nib*, slip op. at 2-3.

¹³⁶ *Id.* at 3-4, 6 (citing Phoenix City Code § 18-3 to define public accommodation as including “all establishments offering their services, facilities or goods to or soliciting patronage from the members of the general public”).

¹³⁷ Docket, *Brush & Nib Studio LC v. Phoenix*, CV 16-0602 (Ariz. Ct. App., Div. 1), <https://apps.supremecourt.az.gov/aacc/appella/1CA/CV/CV160602.pdf> (last updated Jan. 23, 2018).

¹³⁸ *Doe v. Arizona*, No. CV-15-02399, 2016 U.S. Dist. LEXIS 36229, at *3, 6 (D. Ariz. Mar. 21, 2016) (denying in part the ADOC’s motion to dismiss because Title VII of the Civil Rights Act of 1964 has been interpreted by courts to prohibit discrimination based on gender identity and plaintiff had exhausted administrative remedies).

¹³⁹ *Id.*; *see also Examples of Court Decisions Supporting Coverage of LGBT-Related Discrimination Under Title VII*, U.S. EEOC, https://www.eeoc.gov/eeoc/newsroom/wysk/lgbt_examples_decisions.cfm (last visited Dec. 20, 2017).

¹⁴⁰ Order granting Stipulation of Dismissal, *Doe v. Arizona*, No. CV-15-02399 (D. Ariz. Jan. 6, 2017). Further information about the disposition of related EEOC complaints was unavailable.

¹⁴¹ Larissa Garza, *Transgender Woman Files Discriminatory Complaint Against Tempe Tavern*, PHOENIX BUS. J. (June 10, 2015), <https://www.bizjournals.com/phoenix/news/2015/06/10/transgender-woman-files-discriminatory-complaint.html>.

reported that the bar's employees did not have a problem with her until she spoke and her voice made it clear that she is transgender. According to the woman, before she could even order a drink, the bartender said, "We don't serve your kind here," and when she asked the bouncer whether she had to leave because she was transgender, the bouncer responded, "No comment."¹⁴² The woman said that when she attempted to report the alleged violation of Tempe's local non-discrimination ordinance, Tempe police did not know gender identity discrimination was illegal, and she stated she read the ordinance to the police to explain her grievance.¹⁴³ The bar's manager publicly apologized.¹⁴⁴ In August 2015, the Tempe Diversity Office stated that the woman was not discriminated against because of her sexual orientation or gender identity. Instead, Tempe investigators found that the woman was discriminated against based on the fact that she patronized the adult bookstore located near the bar, and the employees of the bar assumed she was a prostitute.¹⁴⁵ In response to the ruling, the woman remarked that the investigation was "terribly flawed," and that the investigative report's depiction of her character was "offensive."¹⁴⁶

Recent examples of discrimination documented in the media and other sources include:

- In November 2016, a Tucson resident attended a town hall meeting where he recounted the harassment and intimidation he and his partner experienced after neighbors at their former adult community in Marana saw the two men touch during a physical therapy session in the pool. The resident's partner was undergoing physical therapy after having a serious stroke. As the man was supporting his partner in the water, neighbors surrounded the couple and began yelling and the commotion caused his partner to become disoriented such that he almost fell while trying to exit the pool.¹⁴⁷ In recounting his story, the man noted that while he and his partner were able to leave Marana to move to Tucson where there are non-discrimination laws to protect them, other LGBT seniors who are "out of the closet [run] the risk of bringing hell on themselves they can't get out" by moving.¹⁴⁸

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ Larissa Garza, *Tempe bar apologizes to transgender woman*, PHOENIX BUS. J. (June 9, 2015), <https://www.bizjournals.com/phoenix/news/2015/06/09/tempe-bar-apologizes-to-transgender-woman.html>.

¹⁴⁵ Jim Walsh, *Transgender Woman Asked to Leave Bar Blasts Tempe Ruling on Discrimination Complaint*, AZ CENTRAL.COM (Aug. 21, 2015), <https://www.azcentral.com/story/news/local/tempe/2015/08/21/transgender-woman-birana-sandy-asked-leave-bar-blasts-tempe-ruling-complaint/32152293/>.

¹⁴⁶ *Id.*

¹⁴⁷ Barbara Grijalva, *Tucson Conference Aimed at Ending Housing Discrimination Against LGBTQ Senior Citizens*, SAGE (Nov. 14, 2016), <https://www.sageusa.org/newsevents/news.cfm?ID=276>.

¹⁴⁸ *Elderly LGBTQ Housing Discrimination Discussed in Tucson at Town Hall Meeting*, KVOA.COM (Nov. 29, 2016), <http://www.kvoa.com/story/33707820/elderly-lgbtq-housing-discrimination-discussed-in-tucson-at-town-hall-meeting>.

- In July 2016, a Tempe landlord allegedly told her gay tenant that he should remove his rainbow flag and that if the man wanted to support an LGBT cause, he should “leave that at a parade.”¹⁴⁹ The tenant had put up the flag “to show solidarity and be comforted” after a mass shooter killed 49, mostly LGBT, people at a nightclub in Orlando, Florida.¹⁵⁰ The landlord apparently claimed that the rainbow flag might lead to harm to her property, and persisted in her demand that the man remove it despite her own acknowledgment that the tenant’s lease did not forbid displaying flags.¹⁵¹ The tenant said, “to imply that a gay flag is going to bring harm and damage to your property, that’s a little out of hand . . . and I feel personally targeted.”¹⁵² No further follow-up from this case has been reported.
- In June 2015, the city of Scottsdale sent a letter to utility customers encouraging them to sign the Unity Pledge, which is part of an initiative started by ONE Community with the goal of organizing Arizona businesses and individuals to advance equality for LGBT individuals with respect to housing, employment, and public accommodations.¹⁵³ A member of the Scottsdale city council noted that “close to 50 hateful letters were sent back to the city,” which convinced some local officials of the need for non-discrimination protections.¹⁵⁴ Scottsdale currently continues to have the Unity Pledge on its city website.¹⁵⁵
- In February 2012, a lesbian couple celebrating their anniversary reported that they were asked to leave a hotel owned by the city of Phoenix after other customers saw the couple kiss.¹⁵⁶ According to the couple, a manager approached their table in the hotel restaurant and said, “You need to get a room,” and told them that their “behavior was extremely inappropriate and that [the couple] needed to leave.”¹⁵⁷ The manager allegedly said that “there was a group of older gentlemen who were not comfortable with [the couple’s] presence, so he had to do his job,” which was to “make them comfortable.”¹⁵⁸ Shortly

¹⁴⁹ Kaila White, *Tempe Man: Landlord Wants Pride Flag Removed from Yard*, AZ CENTRAL.COM (July 9, 2016), <https://www.azcentral.com/story/news/local/tempe/2016/07/09/man-asu-student-apartment-yard-rainbow-gay-flag/86880590/>.

¹⁵⁰ Danielle Miller, *Landlord-Tenant Dispute Over LGBT Pride Flag*, FOX 10 (July 7, 2016), <http://www.fox10phoenix.com/news/arizona-news/landlord-tenant-dispute-over-lgbt-pride-flag>.

¹⁵¹ *Id.*

¹⁵² White, *supra* note 149.

¹⁵³ Thornton, *supra* note 121.

¹⁵⁴ *Id.*

¹⁵⁵ City of Scottsdale, *Unity Pledge*, <http://www.scottsdaleaz.gov/diversity/unity-pledge> (last visited Feb. 1, 2018).

¹⁵⁶ Chloe Brooks, *Lesbian Couple Seeks legal Counsel After Being Asked to Leave Restaurant for Kissing*, DOWNTOWN DEVIL (Mar. 5, 2012), <https://downtowndevil.com/2012/03/05/23376/lesbian-couple-legal-counsel-asked-leave-district-kitchen-kissing/>; *see also* Emily Gersema, *Shielding Gays Urged by Stanton*, THE ARIZ. REPUBLIC (Apr. 4, 2012), at B1 (noting that at the time “attorneys told [the couple] that they had no grounds for a lawsuit due to the city’s lack of anti-discrimination laws for lesbians and gays.”).

¹⁵⁷ Brooks, *supra* note 156.

¹⁵⁸ *Id.*

after the incident, the hotel's general manager stated he had met with the couple, apologized, and resolved the issue.¹⁵⁹

B. Bullying and Family Rejection of LGBT Youth and Young Adults

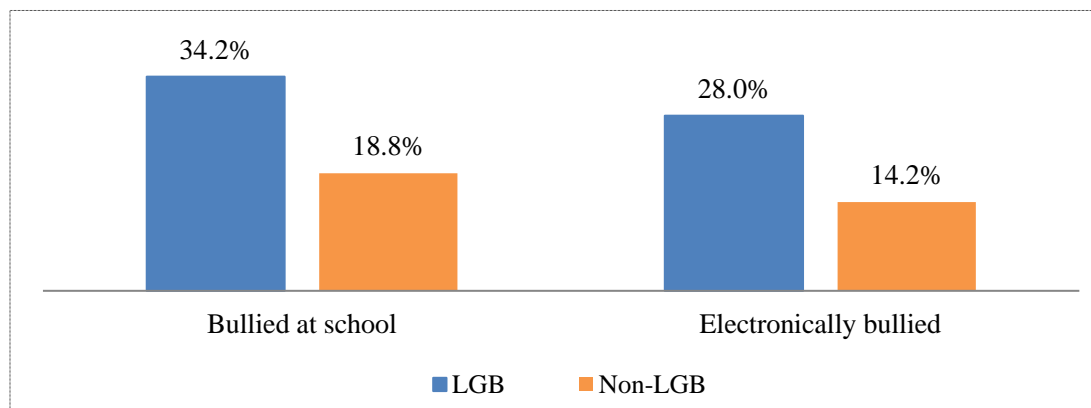
1. Bullying and Harassment of LGBT Youth Documented in Surveys

a. Middle School and High School

Data indicate that LGBT youth face harassment, bullying, and exclusion in high school. The Centers for Disease Control and Prevention (CDC) recently published an analysis of 2015 Youth Risk Behavior Survey (YRBS) data on LGB youth from the national YRBS and from 25 state and 19 local surveys that included a measure of sexual orientation.¹⁶⁰ This analysis compared LGB to non-LGB high school students (9th through 12th grade) on a variety of indicators of health and wellbeing.¹⁶¹ The analysis found that LGB students in the U.S. were more likely to report being bullied at school (34.2% v. 18.8%)¹⁶² and electronically bullied (28.0% v. 14.2%)¹⁶³ in the 12 months prior to the survey than non-LGB students.

Figure II.a. 12-month Experiences of Bullying among High School Students in the U.S., by Sexual Orientation

Source: Laura Kann et al., *Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors among Students in Grades 9 – 12, United States and Selected Sites, 2015, 2016*



¹⁵⁹ Vivian Giang, *Sheraton Is On Damage Control After Kicking This Lesbian Couple Out Of Its Restaurant*, BUS. INSIDER (Feb. 29, 2012), <http://www.businessinsider.com/sheraton-is-on-damage-control-after-kicking-this-lesbian-couple-out-of-its-restaurant-2012-2>.

¹⁶⁰ Kann et al., *supra* note 24 at 83.

¹⁶¹ The study also compared students who said they were “not sure” of their sexual orientation to LGB and non-LGB students. We have not included the “not sure” students in our analysis and focus only on students who identified as LGB or non-LGB.

¹⁶² *Id.* at 103.

¹⁶³ *Id.* at 104.

The Arizona YRBS does include a measure of sexual orientation, but state-level data on bullying at school were not reported for Arizona in the CDC analysis.¹⁶⁴

Findings from the 2015 national YRBS are consistent with previous analyses of YRBS data. A 2011 CDC meta-analysis of YRBS data collected from 2001 through 2009 also found that, nationally, LGB students were more likely to experience bullying and violence at school than non-LGB students.¹⁶⁵ Further, these results are consistent with results of a 2016 meta-analysis of 18 studies that found that LGB students were moderately more likely to experience victimization and bullying at school compared to non-LGB students.¹⁶⁶

Bullying and harassment of LGBT youth in Arizona have also been documented in other sources. For instance, the 2015 GLSEN National School Climate survey of LGBTQ middle- and high-school students found that 71% of respondents from Arizona said that they had experienced verbal harassment based on their sexual orientation at school, and 55% said that they had experienced verbal harassment based on their gender expression at school in the year prior to the survey.¹⁶⁷ Many students also reported experiencing physical harassment based on their sexual orientation (29%) or gender identity (20%) at school in the year prior to the survey.¹⁶⁸ In addition, 11% of respondents reported that they had experienced physical assault at school because of their sexual orientation and 10% of respondents said that they had experienced physical assault because of their gender identity at school in the year prior to the survey.¹⁶⁹

Further, 58% of transgender respondents from Arizona reported that they were unable to use the bathroom or locker room at school that aligns with their gender identity and the same percentage were prevented from using their preferred name or pronouns in school.¹⁷⁰ Less than half (40%) of the students reported having access to a Gay-Straight Alliance or similar club in school.¹⁷¹

Of LGBT students who were bullied or harassed at school, only 44% of students reported the incident to school staff.¹⁷² Less than one third (31%) of those who reported bullying or harassment to staff said that it resulted in effective intervention.¹⁷³

Additionally, in response to the 2015 U.S. Transgender Survey, 48% of survey respondents from Arizona who were out or perceived as transgender while in grades K-12 experienced verbal

¹⁶⁴ Kann et al., *supra* note 24.

¹⁶⁵ *Id.* at 11.

¹⁶⁶ Russell B. Toomey & Stephen T. Russell, *The Role of Sexual Orientation in School-Based Victimization: A Meta-Analysis*, 48 YOUTH & SOCIETY 176 (2016).

¹⁶⁷ GLSEN, SCHOOL CLIMATE IN ARIZONA 1 (2017), <https://www.glsen.org/sites/default/files/Arizona%20State%20Snapshot%20-%20NSCS.pdf>. The survey included 212 respondents from Arizona.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.* at 2.

¹⁷² *Id.* at 1.

¹⁷³ *Id.*

harassment, 24% experienced physical assault, and 8% experienced sexual violence while in school.¹⁷⁴ Further, 17% of respondents said the harassment was so severe that they had to leave school.¹⁷⁵

Recent instances of discrimination against LGBT students in Arizona have also been documented in academic scholarship and the media:

- In June 2016, a large charter school network in Arizona enacted a policy requiring its employees to prohibit students from using bathrooms and locker rooms that correspond with their gender identity, and requiring students to follow the “uniform code and grooming standards” of the sex listed on their birth certificate.¹⁷⁶ Additionally, the charter school network does not require employees to use a student’s preferred pronouns.¹⁷⁷ One transgender student at the network’s Scottsdale school was required to use a separate bathroom in the back of the school. His mother said, “My kid was discriminated against,” and “I have to let you know the trans policy, it was damaging to him He’s not a freak. He doesn’t need to be separated.”¹⁷⁸ According to Dr. Vinny Chulani of the Phoenix Children’s Hospital’s transgender management program, “[b]asic things like using the bathroom for the gender they identify with or being called by their preferred pronoun are major issues.”¹⁷⁹ Dr. Chulani said “I work with a lot of children and teenagers who tell me they purposely choose not to go to the restroom because of this. You’re talking about a basic human function.”¹⁸⁰ The policy has led to continued protests by parents, as well as pressure from the Scottsdale City Council in connection

¹⁷⁴ The survey used a non-probability sampling method. THE NATIONAL CENTER FOR TRANSGENDER EQUALITY & ONE COMMUNITY, *supra* note 109.

¹⁷⁵ *Id.*

¹⁷⁶ Molly Longman, *Parents, Allies Crash Great Hearts Gala, Protest Anti-Transgender Policy*, PHOENIX NEW TIMES (Sept. 25, 2017), <http://www.phoenixnewtimes.com/news/activists-crash-great-hearts-gala-protest-anti-transgender-policy-9721222> (noting that at least one family has chosen to pull their transgender child from Great Hearts Academies); see also *Transgender Student Says Arizona Great Hearts Academies’ Policy is Discriminatory* (KJZZ 91.5 FM radio broadcast Apr. 19, 2017 7:33 AM), <https://kjzz.org/content/462427/transgender-student-says-arizona-great-hearts-academies-policy-discriminatory>; ARCHWAY CLASSICAL ACAD., FAMILY HANDBOOK 7, 18-19 (rev. Aug. 2017), <http://archwaycicero.greatheartsacademies.org/wp-content/uploads/sites/24/2017/09/17-18-handbook.pdf> (“ACA is a subsidiary corporation of Great Hearts Academies, a non-profit charter management organization. Great Hearts Academies supports its member schools with curriculum, data management, faculty orientation and professional development, human resources services, business management (such as accounting), special education services, and the development of funding and facility opportunities. In 2017-18 [sic], Great Hearts operates, in addition to ACA, 21 other classical, liberal arts academies in the metropolitan Phoenix area.”).

¹⁷⁷ Longman, *supra* note 176; KJZZ 91.5 FM Broadcast, *supra* note 176; see, e.g., ARCHWAY CLASSICAL ACADEMY FAMILY HANDBOOK, *supra* note 176, at 7, 18-19.

¹⁷⁸ Longman, *supra* note 176.

¹⁷⁹ Mia Atkins, *‘I Just Couldn’t Breathe’: A Transgender Man’s Journey*, CRONKITE NEWS (Nov. 3, 2017), <https://cronkitenews-stage.jmc.asu.edu/2017/11/03/i-just-couldnt-breathe-a-transgender-mans-journey/>.

¹⁸⁰ *Id.*

with a land deal for a new facility; although there were indications the policy might be changed, it currently remains in place.¹⁸¹

- In January 2015, the *Journal of Adolescent Research* published an article that contained excerpts of interviews with Arizona LGBT youth who reported bullying by students and staff in Arizona schools. In one example, an Arizona middle school student who chose to begin dressing in stereotypically male attire said administrators suspected her and a friend of selling drugs in school, “cause like, the way we were dressing . . . we were the only girls at that middle school that dressed like boys. So it was like ‘now we’re bad.’”¹⁸² Another Arizona student who identified as gender-queer reported telling school administrators that mistreatment by other students caused her to feel uncomfortable in certain classes, and she was asked by administrators, “Why don’t you just choose to wear different things?”¹⁸³ Another Arizona student reported being suspended after getting into a fight with a popular male student who had been calling the LGBT student names; the popular male student was not punished.¹⁸⁴ In other instances, persistent bullying reportedly led to truancy. One lesbian student stated she left school for days as a result of bullying; though she reported the bullying students to the administration, and the bullies had received a three-day suspension, the bullying continued afterwards.¹⁸⁵ Another student who was subjected to persistent discrimination at school said, “I felt like I just wanted to leave, like I didn’t—I couldn’t even imagine finishing high school. So, I transferred.”¹⁸⁶ Other Arizona youth reported that they concealed their LGBT status in order to avoid discrimination or harassment on campus. For instance, “[o]ne Arizona youth said, ‘Just seeing the type of attention that people put on anybody who didn’t seem like they were the same as anybody else . . . that made me want to avoid expressing myself in any way, because I didn’t want the same attention they were receiving.’”¹⁸⁷

b. Higher Education

In response to a 2014 survey of 589 students, faculty, and staff at the University of Arizona, many LGBTQ+ and trans students reported that they had experienced verbal harassment and discrimination related to their sexual orientation and gender identity on campus.¹⁸⁸ Over 97% of trans students and 90.7% of LGBTQ+ student reported hearing anti-LGBTQ slurs and comments

¹⁸¹ Will Stone, *Great Hearts Academies Policy On Transgender Students Angers Some Alumni*, KJZZ (Sept. 22, 2017), <http://kjzz.org/content/540334/great-hearts-academies-policy-transgender-students-angers-some-alumni>.

¹⁸² Shannon D. Snapp, et al., *Messy, Butch, and Queer: LGBTQ Youth and the School-to-Prison Pipeline*, 30 J. OF ADOLESCENT RES. 57, 67 (2015).

¹⁸³ *Id.* at 67-68.

¹⁸⁴ *Id.* at 71.

¹⁸⁵ *Id.* at 72.

¹⁸⁶ *Id.*

¹⁸⁷ *Id.* at 69.

¹⁸⁸ PRING ET AL., *supra* note 112.

on campus at least sometimes.¹⁸⁹ Nearly 12% of trans students and 9.9% of LGBTQ+ students said they heard such slurs and comments several times a day.¹⁹⁰ Approximately 15% of LGBTQ+ students and that they had been the target of derogatory remarks or comments based on their sexual orientation (data for trans respondents were not available).¹⁹¹

Twenty-two percent of LGBTQ+ students reported experiencing discrimination based on their sexual orientation or gender identity on campus, and most (70.2%) did not report the incident to an authority figure, such as the Dean or Students or the University of Arizona Police Department.¹⁹² Over 9% of LGBTQ+ students reported that discrimination related to their sexual orientation was the most significant stressor in their lives during the prior school year and a similar percentage said the same related to their gender identity or expression.¹⁹³

Some LGBTQ+ students reported that they avoided going to class because of discrimination and harassment: 3.7% said they avoided going to class because of harassment, discrimination, or discomfort based on their sexual orientation in the six month period prior to the survey and 11.8% said they had done the same because of harassment, discrimination, or comfort based on their gender identity.¹⁹⁴

Additionally, some LGBTQ+ students reported that they didn't feel very safe on campus or that they had been intimidated or threatened because of their sexual orientation or gender identity. Approximately 5% of LGBTQ+ students said they felt "not very safe" and 51.2% said they felt only "somewhat safe" on campus. Trans students were more likely to report feeling unsafe on campus: 23.9% said they felt "not very safe" and 47.8% said they felt only "somewhat safe."¹⁹⁵ Trans students were almost four times more likely to report feeling unsafe in bathrooms and twice as likely to report feeling unsafe in the recreation center compared to LGBTQ+ students.¹⁹⁶ Nearly 12% of LGBTQ+ students said that they felt intimidated or threatened because of their sexual orientation, though no LGBTQ+ students reported that they had been the target of physical violence because of their sexual orientation. These data were not available for trans students.¹⁹⁷

In addition, more LGBTQ+ students reported experiencing sexual violence than non-LGBTQ+ students: 41.1% of LGBTQ+ students said that they had experienced touching without consent compared to 4.3% of non-LGBTQ+ students.¹⁹⁸ Nearly 5% of LGBTQ+ students said they had

¹⁸⁹ *Id.* at 16.

¹⁹⁰ *Id.*

¹⁹¹ *Id.* at 17.

¹⁹² *Id.* at 17-18.

¹⁹³ *Id.* at 36.

¹⁹⁴ *Id.* at 17.

¹⁹⁵ *Id.* at 42.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.* at 16.

¹⁹⁸ *Id.* at 19.

been forced to have sex without consent compared to 1.1% of non-LGBTQ+ students, but the disparity was not statistically significant.¹⁹⁹

2. Family Rejection

For many youth, the challenges that they face at school are compounded by unaccepting families. This can further impair their ability to learn and graduate. Research shows that many LGBT youth have strained relationships with their families, or face abuse by their parents, because of their sexual orientation and gender identity.²⁰⁰ For example, in one study about the challenges that youth face, LGBT youth ranked non-accepting families as the most important problem in their lives (26%), followed by school and bullying problems (21%), and fear of being open about being LGBT (18%).²⁰¹ In contrast, non-LGBT youth ranked classes/exams/grades (25%), college/career (14%), and financial pressures related to college or job (11%) as the most important problems in their lives.²⁰²

¹⁹⁹ *Id.* at 19.

²⁰⁰ *E.g.*, Darrel Higa, Marilyn J. Hoppe, Taryn Lindhorst, Shawn Mincer, Blair Beadnell, Diane M. Morrison, Elizabeth A. Wells, Avry Todd & Sarah Mountz, *Negative and Positive Factors Associated with the Well-Being of Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning (LGBTQ) Youth*, 46 YOUTH SOC'Y 1, 8 (2012); Barbara Fedders, *Coming Out for Kids: Recognizing, Respecting, and Representing LGBTQ Youth*, 6 NEV. L.J. 774, 788 (2006); Anthony R. D'Augelli, Arnold H. Grossman & Michael T. Starks, *Parents' Awareness of Lesbian, Gay, and Bisexual Youths' Sexual Orientation*, 67 J. MARRIAGE & FAMILY 474 (2005); Les Whitbeck, Xiaojin Chen, Dan R. Hoyt, Kimberly Tyler & Kurt D. Johnson, *Mental Disorder, Subsistence Strategies, and Victimization among Gay, Lesbian, and Bisexual Homeless and Runaway Adolescents*, 41 J. SEX RESEARCH 329 (2004); Brian N. Cochran, Angela J. Stewart, Joshua A. Ginzler & Ana Mari Cauce, *Challenges Faced by Homeless Sexual Minorities: Comparison of Gay, Lesbian, Bisexual, and Transgender Homeless Adolescents with Their Heterosexual Counterparts*, 92 AM. J. PUB. HEALTH 733 (2002); Bryan E. Robinson, Lynda Henley Walters & Patsy Skeen, *Responses of Parents to Learning that their Child is Homosexual and Concern over AIDS: A National Survey*, 1 J. HOMOSEXUALITY 59, 67 (1989); CHRISTY MALLORY, BRAD SEARS, AMIRA HASENBUSH & ALEXANDRA SUSMAN, WILLIAMS INST., ENSURING ACCESS TO MENTORING PROGRAMS FOR LGBTQ YOUTH (2014), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Access-to-Youth-Mentoring-Programs.pdf>.

²⁰¹ HUMAN RIGHTS CAMPAIGN, GROWING UP LGBT IN AMERICA: HRC YOUTH SURVEY REPORT KEY FINDINGS 2 (2012), http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Growing-Up-LGBT-in-America_Report.pdf.

²⁰² *Id.*

SECTION III. IMPACT OF STIGMA AND DISCRIMINATION ON LGBT INDIVIDUALS

Stigma and discrimination can result in negative outcomes for LGBT individuals including economic instability and poor health. Research has found that gay men and transgender people experience wage gaps, and has found an association between lower earnings and lack of state-level protections from discrimination for LGBT people. Research also indicates that LGBT people, in general, are disproportionately poor, and that social climate and policy are linked determinants of poverty among LGBT communities.

In addition, research has linked experiences of stigma and discrimination, as well as living in a state with unsupportive laws and social climate, to health disparities for LGBT people, including higher rates of mood and anxiety disorders, depression, attempted suicide, self-harm, and substance use. Data from Arizona's BRFSS and YRBS indicate that LGBT adults and youth in the state are more likely to experience several of such health outcomes than their non-LGBT counterparts.

A. *Economic Instability*

1. Wage Gaps for LGBT People

Wage gap analysis has been a traditional method used by economists to measure employment discrimination against women, people of color, and LGBT people. In a meta-analysis of 31 studies on sexual orientation wage gaps, Professor Marieka Klawitter concluded that almost all studies found an earnings penalty for gay men, with an average of -11%.²⁰³ For lesbians, only a few studies found an earnings penalty as compared to heterosexual women and most found a significant earnings premium, even after controlling for many relevant factors. On average, the earnings premium for lesbians was +9%.²⁰⁴ Klawitter concluded that her analysis "shows evidence consistent with possible discrimination—an earnings penalty—for gay men, but not for lesbians."²⁰⁵ However, it is important to keep in mind that most lesbians still earn less than most gay and heterosexual men because of the gender wage gap.²⁰⁶

A simple comparison²⁰⁷ of median incomes in Arizona also suggests that men in same-sex couples also may face a wage gap. An analysis of Census 2000 data found that the median

²⁰³ Marieka Klawitter, *Meta-Analysis of the Effects of Sexual Orientation on Earnings*, 54 INDUST. REL. 4, 13 (2014) (finding an average wage gap of -11% and a range of -30% to 0% for gay men).

²⁰⁴ *Id.* (finding an average wage gap of +9% for lesbians with a range of -25% to +43%).

²⁰⁵ *Id.* at 21.

²⁰⁶ M.V. LEE BADGETT & ALYSSA SCHNEEBBAUM, THE IMPACT OF WAGE EQUALITY ON SEXUAL ORIENTATION POVERTY GAPS, WILLIAMS INST. UNIV. OF CAL. L.A. SCH. OF LAW (2015), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Impact-of-Wage-Equality-on-Sexual-Orientation-Poverty-Gaps-June-2015.pdf>.

²⁰⁷ Comparison does not control for factors other than sexual orientation that may impact wages, such as education and age.

income of men in same-sex couples in the state was 26% lower than the median income of men in different-sex marriages.²⁰⁸

Klawitter posited several reasons to explain why gay men may face more discrimination in the workplace, including that straight men in the U.S. have less positive attitudes towards gay men than lesbians, and that straight men are more likely to be in wage-determining senior positions than women.²⁰⁹ Klawitter also pointed to several studies suggesting that when gay men and lesbians are more visible in the workplace, they have lower earnings.²¹⁰ She also noted that other research reviews have found that lesbians who do not fit the norms for femininity have a harder time securing employment.²¹¹

In addition, a forthcoming study, based on representative data from 27 states, finds “clear evidence that self-identified transgender individuals have significantly lower employment rates and household incomes and significantly higher poverty rates than non-transgender individuals.”²¹² The study concludes that transgender adults experience a “household income penalty” equivalent to 12% of annual household income.²¹³

A growing body of research supports that, for many LGBT people who face discrimination along multiple axes of inequality, the resulting impact is greater than the sum of the parts. For example, a 2015 study found that the overall wage gap for men of color in same-sex couples was greater than what the sum of the race and sexual orientation wage gaps separately would have predicted. The gap was even more pronounced “in the bottom three quartiles of earnings, indicating that the magnifying negative interaction effects of minority race and sexual orientation status is most pronounced for lower-income workers.”²¹⁴

Research also indicates that non-discrimination policies help to close sexual orientation wage gaps. A 2009 study found that in states with a sexual orientation non-discrimination law, men and women in same-sex couples had a wage premium (3% and 2% respectively) over states without such a law and they earned approximately 0.3% more for each year the policy was in

²⁰⁸ The median income of women in same-sex couples in Arizona was higher than that of women in different-sex marriages, but lower than the median income of men with either same-sex or different-sex partners. ADAM P. ROMERO, CLIFFORD J. ROSKY, M.V. LEE BADGETT & GARY J. GATES, WILLIAMS INST., CENSUS SNAPSHOT: ARIZONA 2 (2008), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/ArizonaCensus2000Snapshot1.pdf>.

²⁰⁹ Klawitter, *supra* note 203 at 21-22. Klawitter also notes that, consistent with the hypothesis of discrimination for gay men, jobs in the private sector show larger earnings penalties for gay men than in more highly regulated government sector jobs, but this pattern is not observed for lesbians—who have significant earnings premiums in the private and non-profit sectors, but none in government employment.

²¹⁰ *Id.* at 22.

²¹¹ LOTTA SAMELIUS & ERIK WÅGBERG, SIDA, SEXUAL ORIENTATION AND GENDER IDENTITY ISSUES IN DEVELOPMENT (2005), http://www.sida.se/contentassets/77a0ee7f307a4ff49fa0514d080748dc/sexual-orientation-and-gender-identity-issues-in-development_718.pdf.

²¹² Carpenter et al., *Transgender Status, Employment, and Income* (forthcoming) (on file with authors).

²¹³ *Id.*

²¹⁴ Jamie H. Douglas & Michael D. Steinberger, *The Sexual Orientation Wage Gap for Racial Minorities*, 54 INDUST. REL. 59, 96 (2015).

effect.²¹⁵ Similarly, two 2011 studies reported a significant impact of state non-discrimination laws on annual earnings²¹⁶ and found that state non-discrimination laws were associated with a greater number of weeks worked for gay men -- especially in private-sector jobs.²¹⁷ Furthermore, a 2015 study found that the enactment of state level non-discrimination laws increased wages by 4.2% and employment by 2% for gay men.²¹⁸

2. Poverty in the LGBT Community

While national averages indicate that LGBT people may be more likely to have higher household incomes than non-LGBT people, those averages can mask that LGBT people are also disproportionately poor²¹⁹ and that poverty is concentrated in certain groups within the LGBT community such as female same-sex couples, people of color, transgender people, young people, and the elderly. For example, key findings from a 2013 study on poverty in the LGBT community include:

- 7.6% of lesbian couples live in poverty, compared to 5.7% of married different-sex couples;
- Over 1 in 5 children of same-sex couples live in poverty, compared to 12.1% of children of married different-sex couples;
- African American same-sex couples have poverty rates more than twice that of married different-sex African American couples; and
- Female same-sex couples who live in rural areas are much more likely to be poor (14.1%), compared to lesbian couples in large cities (4.5%).²²⁰

Similarly, research on the issue of food insecurity in the LGBT community found that, in the year prior to the survey, more than one in four LGBT adults (27%) experienced a time when they

²¹⁵ Gary J. Gates, *The Impact of Sexual Orientation Anti-Discrimination Policies on the Wages of Lesbians and Gay Men* (Cal. Center for Pop. Research, 2009), <http://papers.ccpr.ucla.edu/papers/PWP-CCPR-2009-010/PWP-CCPR-2009-010.pdf>.

²¹⁶ Amanda K. Baumle & Dudley L. Poston Jr., *The Economic Cost of Homosexuality: Multilevel Analysis*, 89 SOC. FORCES 1005 (2011).

²¹⁷ Marieka M. Klawitter, *Multilevel Analysis of the Effects of Antidiscrimination Policies on Earnings by Sexual Orientation*, 30 J. POL. ANALYSIS & MGMT. 334 (2011). See also Marieka M. Klawitter & Victor B. Flatt, *The Effects of State and Local Anti-Discrimination Policies on Earnings for Gays and Lesbians*, 17 J. POL. ANALYSIS & MGMT. 658 (1998).

²¹⁸ Ian Burn, *Legal Differences in Non-Discrimination Laws and the Effect of Employment Protections for Gay Men* (Feb. 2015) (unpublished manuscript available at the Princeton University repository). The study also found that state non-discrimination laws with stronger damages, statutes of limitations, and attorney's fees increase the positive impact on gay men's wages. *Id.*

²¹⁹ M.V. LEE BADGETT, LAURA E. DURSO & ALYSSA SCHNEEBAUM, WILLIAMS INST., *NEW PATTERNS OF POVERTY IN THE LESBIAN, GAY, AND BISEXUAL COMMUNITY* (2013), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>.

²²⁰ *Id.* at 1-3.

did not have enough money to feed themselves or their family, and nearly half of LGB adults aged 18-44 who are raising children (46%) received food stamps.²²¹

The 2015 U.S. Transgender Survey found that, nationally, nearly one-third of respondents were living at or near the federal poverty line, which is twice the rate of poverty in the U.S. general population (29% v. 14%).²²² Transgender people of color were more likely to be living in poverty, with 43% of Latino/a, 43% of American Indian, 40% of multiracial, 38% of Black, 34% of Middle Eastern, and 32% of Asian respondents reporting that they were living in poverty, compared to 24% of White transgender respondents.²²³

In a 2013 study on poverty, Badgett et al. suggested that social climate and policy are linked determinants of LGB poverty: “LGB people who live in non-coastal regions of the U.S. or rural communities are more likely than those in urban and coastal regions to be in poverty. These geographic areas are more likely to have social climates that are less accepting of LGB identities, increasing the stress and discrimination that LGB people face. These locales may also be less likely to offer legal protections that would guard against major life events, such as job loss or health issues that often contribute to poverty.”²²⁴

Building from that thesis, a 2014 report by the Williams Institute linked greater socio-economic disparities for LGBT people to region, a lack of legal protections, and a poor social climate.²²⁵ The report found that LGBT Americans face greater social and economic disparities in states without statewide laws prohibiting sexual orientation discrimination, and in regions with a poorer social climate and fewer legal protections.²²⁶ For example, while same-sex couples with children face an income disadvantage when compared to their different-sex married counterparts in all states, that income gap widens from \$4,300 in the states with protective laws states to \$11,000 in states like Arizona that lack such laws.²²⁷

²²¹ TAYLOR N.T. BROWN, ADAM P. ROMERO & GARY J. GATES, WILLIAMS INST., FOOD INSECURITY AND SNAP PARTICIPATION IN THE LGBT COMMUNITY (2016), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-and-SNAP-Participation-in-the-LGBT-Community.pdf>.

²²² JAMES ET AL., *supra* note 107 at 144.

²²³ *Id.*

²²⁴ BADGETT, DURSO & SCHNEEBAUM, *supra* note 219 at 25.

²²⁵ HASENBUSH ET AL., *supra* note 14.

²²⁶ Press Release, Williams Inst., LGBT Americans Face Greater Social and Economic Disparities in the South, Midwest, and Mountain States (Dec. 18, 2014) (available at <http://williamsinstitute.law.ucla.edu/press/press-releases/lgbt-divide/>). In the words of report author Gary Gates: “It’s not just that LGBT people in the Midwest and South are poorer because people in those regions tend to be poorer overall. In some cases the economic disadvantages that LGBT people have relative to non-LGBT people markedly increase in those regions. In others, the advantages that you see for LGBT people in other parts of the country either disappear or reverse.”

²²⁷ HASENBUSH ET AL., *supra* note 14.

Data collected by Gallup and analyzed by the Williams Institute show similar disadvantages for LGBT people in Arizona, including:

- 39% percent of LGBT adults in Arizona reported having an annual household income below \$24,000 compared to 24% of non-LGBT adults.²²⁸
- LGBT adults in Arizona were nearly twice as likely to report that they do not have enough money for food as non-LGBT adults (35% v. 18%).²²⁹
- 26% of LGBT adults in Arizona reported that they do not have enough money to meet their health care needs compared to 18% of non-LGBT adults.²³⁰
- 20% of LGBT adults in Arizona reported that they do not have health insurance compared to 15% of non-LGBT adults.²³¹
- 12% of LGBT adults in Arizona reported being unemployed compared to 8% of non-LGBT adults.²³²

The 2015 U.S. Transgender Survey found that 16% of respondents in Arizona were unemployed, and 28% were living in poverty.²³³ In addition, 14% of respondents in Arizona reported experiencing homelessness within the prior year because of being transgender.²³⁴

B. Health Disparities for LGBT People

1. Health Disparities for LGBT Adults

Experiences of discrimination and harassment, as well as living in a state with unsupportive laws and social climates, have been shown to contribute to health disparities for LGBT people. Substantial research has documented that LGBT people experience disparities on a range of health outcomes, and health-related risk factors, compared to their non-LGBT counterparts. Research shows that mood²³⁵ and anxiety disorders,²³⁶ attempted suicide,²³⁷ and self-harm²³⁸ are

²²⁸ LGBT Data & Demographics: Arizona, *supra* note 16.

²²⁹ HASENBUSH ET AL., *supra* note 14 at 40.

²³⁰ *Id.* at 41.

²³¹ LGBT Data & Demographics: Arizona, *supra* note 16.

²³² *Id.*

²³³ THE NATIONAL CENTER FOR TRANSGENDER EQUALITY & ONE COMMUNITY, *supra* note 109 at 1.

²³⁴ *Id.*

²³⁵ Michael King et al., *A Systematic Review of Mental Disorder, Suicide, and Deliberate Self Harm in Lesbian, Gay and Bisexual People*, 8 BMC Psychiatry 70 (2008); Kimberly F. Balsam, Theodore P. Beauchaine, Ruth M. Mickey & Esther D. Rothblum, *Mental Health of Lesbian, Gay, Bisexual, and Heterosexual Siblings*, 114 J. ABNORMAL PSYCH. 471 (2005).

²³⁶ King et al., *supra* note 235; Wendy B. Bostwick, Carol J. Boyd, Tonda L. Hughes & Sean Esteban McCabe, *Dimensions of Sexual Orientation and the Prevalence of Mood and Anxiety Disorders in the United States*, 100 AM. J. PUBLIC HEALTH 468 (2010).

²³⁷ King et al., *supra* note 235; Susan D. Cochran & Vickie M. Mays, *Relation between Psychiatric Syndromes and Behaviorally Defined Sexual Orientation in a Sample of the US Population*, 151 J. EPIDEMIOLOGY 516 (2000).

²³⁸ Balsam et al., *supra* note 235. For comprehensive reviews of research on LGBT health, *see* INSTITUTE OF MEDICINE, *THE HEALTH OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PEOPLE: BUILDING A FOUNDATION FOR BETTER UNDERSTANDING* (2011); *THE HEALTH OF SEXUAL MINORITIES: PUBLIC HEALTH PERSPECTIVES ON LESBIAN, GAY, BISEXUAL AND TRANSGENDER POPULATIONS* (Ilan H. Meyer & Mary E. Northridge eds., 2007).

more common among sexual minorities (LGBs) than non-LGB people. Studies also indicate that rates of depression, anxiety disorders, and attempted suicide are also elevated among transgender people.²³⁹ In addition, LGB people are more likely to report tobacco use, drug use, and alcohol disorders than their non-LGB counterparts.²⁴⁰ As described more fully below, empirical research has linked such disparities to anti-LGBT policies and unsupportive social climates. Health survey data collected in Arizona indicate that LGB²⁴¹ adults in the state experience the same types of disparities that have been documented in other states and on national surveys.

a. Health Disparities for LGB Adults in Arizona

One source for assessing health disparities between LGB and non-LGB people in Arizona is the Arizona Behavioral Risk Factor Surveillance System (BRFSS).²⁴² From 2009 to 2012, Arizona included a state-added sexual orientation measure on its BRFSS.²⁴³ Arizona has never included a measure of gender identity on its BRFSS. We present our analysis of data from the most recent of these datasets, the 2012 Arizona BRFSS below, noting where our results are similar or dissimilar to patterns observed in the general population.

We assessed the health of LGB and non-LGB adults in Arizona on three health outcomes that are widely viewed as stress-coping responses²⁴⁴ and which have been specifically linked to LGB stigma and discrimination in prior research: depression, smoking, and binge drinking; as well as two other population health indicators (the number of days respondents experienced poor mental health during the month prior to the survey and respondents' experiences of feeling limited in their usual activities because of poor health). In our analyses we include individuals who

²³⁹ See INSTITUTE OF MEDICINE, *supra* note 238 at 193-97.

²⁴⁰ Cochran & Mays, *supra* note 237; AMERICAN LUNG ASSOC., *SMOKING OUT A DEADLY THREAT: TOBACCO USE IN THE LGBT COMMUNITY* (2010), <http://www.lung.org/assets/documents/research/lgbt-report.pdf>; Kelly E. Green & Brian A. Feinstein, *Substance Use in Lesbian, Gay, and Bisexual Populations: An Update on Empirical Research and Implications for Treatment*, 26 PSYCHOL. ADDICT. BEHAV. 265 (2012).

²⁴¹ We are deliberate when using LGBT and LGB in this section. If we are using just LGB, it is because the underlying survey only had a measure of sexual orientation, and did not ask about gender identity.

²⁴² About BRFSS, U.S. Centers for Disease Control & Prevention, <https://www.cdc.gov/brfss/about/index.htm> (last visited Jan. 20, 2018); Behavioral Risk Factor Surveillance System, Arizona Department of Health Services, <http://azdhs.gov/preparedness/public-health-statistics/behavioral-risk-factor-surveillance/index.php> (last visited Jan. 20, 2018). Administered jointly by the CDC and Arizona Department of Health Services, the Arizona BRFSS is an anonymous survey of adults 18 years and older about a variety of health behaviors and preventive health practices.

²⁴³ Sexual orientation identity was assessed with the following item: "Do you consider yourself to be (1) Heterosexual, that is, straight, (2) Homosexual, that is, gay or lesbian, (3) Bisexual or (4) Other." ARIZONA DEPARTMENT OF HEALTH, 2012 BEHAVIORAL RISK FACTOR SURVEILLANCE SYSTEM QUESTIONNAIRE (2012) (on file with authors), available at <http://azdhs.gov/preparedness/public-health-statistics/behavioral-risk-factor-surveillance/index.php#questionnaires>.

²⁴⁴ See, e.g., Richard T. Liu & Lauren B. Alloy, *Stress Generation in Depression: A Systemic Review of the Empirical Literature and Recommendations for Future Study*, 30 CLIN. PSYCH. REV. 582 (2010); Jon. D. Kassel, Laura R. Stroud, Carol A. Paronis, *Smoking, Stress, and Negative Affect: Correlation, Causation, and Context Across States of Smoking*, 129 PSYCHOL. BULLETIN 129 (2003); Kathleen T. Brady & Susan C. Sonne, *The Role of Stress in Alcohol Use, Alcoholism Treatment, and Relapse*, 23 ALCOHOL RESEARCH & HEALTH 263 (1999).

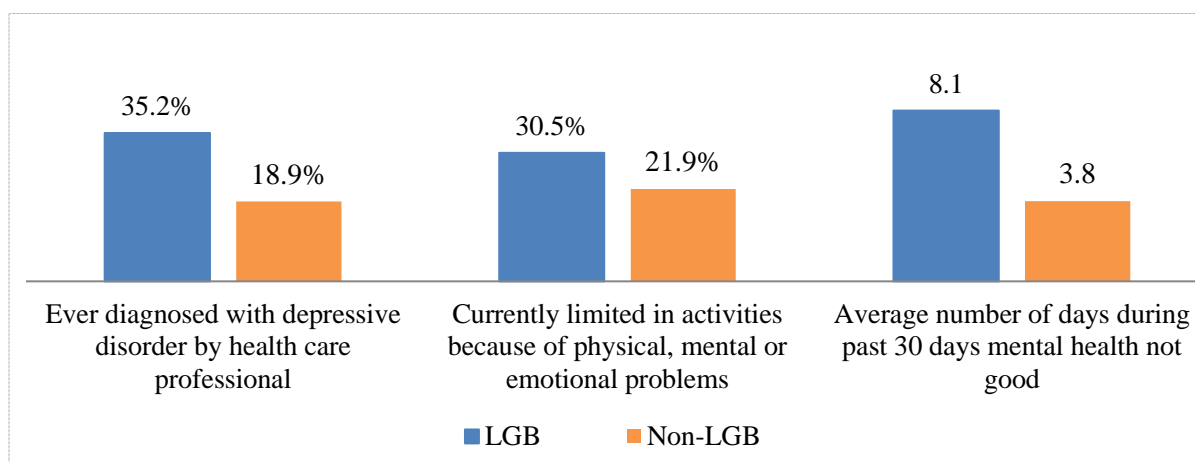
identified as lesbian, gay, or bisexual (LGB) and those who identified as heterosexual/straight (non-LGB).²⁴⁵

The proportion of LGB (n=154) and non-LGB (n=5,632) people in Arizona that reported each health outcome are discussed below. The proportions are weighted to reflect the population of Arizona, as is recommended by the Centers for Disease Control and Prevention when analyzing these data.²⁴⁶

Mental Health. LGB adults in the 2012 Arizona BRFSS were significantly more likely to have ever been diagnosed with a depressive disorder (including depression, major depression, dysthymia, or minor depression) by a health care professional when compared to non-LGB adults in the state (35.2% v. 18.9%).²⁴⁷ LGB respondents also reported more days of being in poor mental health in the month prior to the survey than non-LGB respondents (8.1 days v. 3.8 days).²⁴⁸ In addition, more LGB than non-LGB respondents reported being limited in their activities because of mental, physical, or emotional problems (30.5% v. 21.9%).²⁴⁹ LGB respondents, on average, however, reported that poor physical or mental health kept them from doing their usual activities at a similar rate as non-LGB respondents (5.0 days v. 5.1 days).²⁵⁰

Figure III.a. Health Characteristics of Adults in Arizona, by Sexual Orientation

Source: Arizona BRFSS, 2012



²⁴⁵ Individuals who identified as “Other” sexual orientation are not included in these analyses.

²⁴⁶ *Behavioral Risk Factor Surveillance System Weighting BRFSS Data: BRFSS 2012*, U.S. CENTERS FOR DISEASE CONTROL AND PREVENTION, http://www.cdc.gov/brfss/annual_data/2015/pdf/weighting_the_data_webpage_content.pdf (last visited Jan. 20, 2018). LGB survey respondents in Arizona were younger than the non-LGB survey respondents. In order to make “fair” comparisons between sexual orientation groups, we use statistical controls to make the two groups comparable on age.

²⁴⁷ AOR (95% CI) = 2.34 (1.41, 3.90).

²⁴⁸ Adjusted b = 3.79, p < 0.01.

²⁴⁹ AOR (95% CI) = 2.15 (1.31, 3.53).

²⁵⁰ Adjusted b = 0.51, p=0.66.

Smoking. LGB adults in Arizona were significantly more likely to currently smoke than non-LGB adults. Over one in four LGB adults in Arizona (27.6%) were current smokers, compared to 16.4% of non-LGB adults.²⁵¹

Drinking. After adjusting for differences in the age composition of LGB and non-LGB adults, rates of binge-drinking (25.6% v. 14.1%, respectively)²⁵² and heavy drinking (3.1% v. 5.1%, respectively),²⁵³ were not statistically different. Binge drinking is defined as five or more drinks on at least one occasion in the past month for men and four or more drinks for women.²⁵⁴ Heavy drinking is defined as having more than 14 drinks per week for men and more than seven drinks per week for women.²⁵⁵

Our findings are consistent with analyses of BRFSS data collected in other states and with analyses of National Health Interview Survey data. For example, an analysis of BRFSS data collected in 10 states²⁵⁶ in 2010 found that LGB individuals were more likely to be current smokers than their non-LGB counterparts.²⁵⁷ An analysis of data from the 2013 National Health Interview Survey found that LGB adults aged 18-64 in the U.S. were more likely to be current smokers (27.2% lesbian or gay v. 29.5% bisexual v. 19.6% non-LGB).²⁵⁸ Two studies analyzing BRFSS data from Massachusetts²⁵⁹ and Washington State²⁶⁰ found disparities across a range of health outcomes and behaviors for LGB respondents, including poor physical and mental health, activity limitation, tension or worry, smoking, excessive drinking, and drug use.

b. Impact of Anti-LGBT Policies and Unsupportive Social Climates on LGBT Health

Empirical research has linked LGBT health disparities, including disparities in health-related risk factors, to anti-LGBT policies and unsupportive social climates. This connection has been recognized by the U.S. Department of Health and Human Services in *Healthy People 2010* and

²⁵¹ AOR (95% CI) = 1.77 (1.02, 3.06).

²⁵² AOR (95% CI) = 1.55 (0.80, 3.01).

²⁵³ AOR (95% CI) = 0.57 (0.19, 1.70).

²⁵⁴ *Data and Maps: Excessive Drinking*, U.S. CENTERS FOR DISEASE CONTROL AND PREVENTION, <https://www.cdc.gov/alcohol/data-stats.htm> (last visited July 11, 2017).

²⁵⁵ *Id.*

²⁵⁶ In 2010, 12 states had added a question about sexual orientation to their BRFSS surveys (Alaska, Arizona, California, Colorado, Maine, Massachusetts, Montana, New Mexico, North Dakota, Oregon, Washington, and Wisconsin), but data from two states (Colorado and Oregon) were unavailable to the authors at the time of analysis, so the study was based on data collected in the remaining 10 states. John R. Blosnich et al., *Health Inequalities among Sexual Minority Adults: Evidence from Ten U.S. States, 2010*, 46 AM. J. PREV. MED. 337, 338 (2014).

²⁵⁷ *Id.* at 340.

²⁵⁸ Brian W. Ward et al., *Sexual Orientation and Health Among U.S. Adults: National Health Interview Survey, 2013*, 77 NATIONAL HEALTH STATS. REPORT 1, 4 (2015), available at <https://www.cdc.gov/nchs/data/nhsr/nhsr077.pdf>.

²⁵⁹ Kerith J. Conron, Matthew J. Mimiaga, Stewart J. Landers, *A Population-Based Study of Sexual Orientation and Gender Differences in Adult Health*, 100 AM. J. PUBLIC HEALTH 1953 (2010).

²⁶⁰ Julia A. Dilley et al., *Demonstrating the Importance and Feasibility of Including Sexual Orientation in Public Health Surveys: Health Disparities in the Pacific Northwest*, 100 AM. J. PUBLIC HEALTH 460 (2010).

*Healthy People 2020*²⁶¹ and the Institute of Medicine of the National Academies.²⁶² Research also suggests that stigmatizing campaigns around the passage of anti-LGBT policies, or negative media messaging that draws attention to unsupportive social climates, may exacerbate these disparities.

The *minority stress model* suggests that unsupportive social climates, created by anti-LGBT prejudice, stigma, and discrimination, expose LGBT individuals to excess stress, which, in turn, causes adverse health outcomes, resulting in health disparities for sexual minorities and transgender individuals compared with heterosexuals.²⁶³ Research that has focused on mental and physical health outcomes of LGBT people supports the minority stress model.²⁶⁴ This research has demonstrated that both interpersonal experiences of stigma and discrimination, such as being fired from a job for being LGBT, and structural stigma, such as living in a state without LGBT-supportive laws, contribute to minority stress.²⁶⁵

A number of studies have found evidence of links between minority stressors and negative mental health outcomes in LGB people, including a higher prevalence of psychiatric disorders,²⁶⁶ including depression²⁶⁷ and psychological distress,²⁶⁸ as well as loneliness, suicidal intention,²⁶⁹

²⁶¹ *Healthy People 2020*, DEP'T OF HEALTH AND HUMAN SERV., https://www.healthypeople.gov/sites/default/files/HP2020_brochure_with_LHI_508_FNL.pdf (last visited Jan. 3, 2016). *Healthy People 2010* identified the gay and lesbian population among groups targeted to reduce health disparities in the United States. In explaining the reason for the inclusion of the gay and lesbian population as one of the groups requiring special public health attention, the Department of Health and Human Services noted, "The issues surrounding personal, family, and social acceptance of sexual orientation can place a significant burden on mental health and personal safety." DEPT. OF HEALTH AND HUMAN SERVICES, OFFICE OF DISEASE PREVENTION AND HEALTH PROMOTION, *HEALTHY PEOPLE 2010: UNDERSTANDING AND IMPROVING HEALTH* 16 (2d ed. 2000).

²⁶² INSTITUTE OF MEDICINE, *supra* note 238 at 14 ("LGBT people . . . face a profound and poorly understood set of . . . health risks due largely to social stigma").

²⁶³ Ilan H. Meyer, *Prejudice, Social Stress, and Mental Health in Lesbian, Gay, and Bisexual Populations: Conceptual Issues and Research Evidence*, 129 PSYCHOL. BULL. 674 (2009); INSTITUTE OF MEDICINE, *supra* note 238.

²⁶⁴ *Id.*; AM. PSYCH. ASSOC., *STRESS IN AMERICA: THE IMPACT OF DISCRIMINATION* 8, 22 (2016).

²⁶⁵ See Mark L. Hatzenbuehler, Hee-Jin Jun, Heather L. Corliss & S. Bryn Austin, *Structural Stigma and Cigarette Smoking in a Prospective Cohort Study of Sexual Minority and Heterosexual Youth*, 47 ANN. BEHAV. MED. 48 (2014).

²⁶⁶ E.g., Katie A. McLaughlin, Mark L. Hatzenbuehler & Katherine M. Keyes, *Responses to Discrimination and Psychiatric Disorders among Black, Hispanic, Female, and Lesbian, Gay, and Bisexual Individuals*, 100 AM. J. PUBLIC HEALTH 1477 (2010); Ellen D.B. Riggle, Sharon S. Rostosky & Sharon G. Horne, *Marriage Amendments and Lesbian, Gay, and Bisexual Individuals in the 2006 Election*, 6 SEXUALITY RESEARCH & SOCIAL POLICY 80 (2009).

²⁶⁷ E.g., Robyn Zakalik & Meifen Wei, *Adult Attachment, Perceived Discrimination Based on Sexual Orientation, Depression in Gay Males: Examining the Mediation and Moderation Effects*, 53 J. OF COUNSELING PSYCHOL. 302 (2006).

²⁶⁸ E.g., Vickie M. Mays & Susan D. Cochran, *Mental Health Correlates of Perceived Discrimination Among Lesbian, Gay, and Bisexual Adults in the United States*, 91 AM. J. PUB. HEALTH 1869 (2001); David M. Heubner, Carol J. Nemeroff & Mary C. Davis, *Do Hostility and Neuroticism Confound Associations Between Perceived Discrimination and Depressive Symptom?*, 24 J. SOC. & CLINICAL PSYCHOL. 723 (2005); Ilan H. Meyer, *Minority Stress and Mental Health in Gay Men*, 36 J. OF HEALTH & SOC. BEHAV. 38 (1995).

²⁶⁹ David M. Huebner, Gregory M. Rebchook & Susan M. Kegeles, *Experiences of Harassment, Discrimination, and Physical Violence Among Young Gay and Bisexual Men*, 94 AM. J. OF PUB. HEALTH 1200 (2004).

deliberate self-harm,²⁷⁰ and low self-esteem.²⁷¹ Studies have also linked minority stress in LGB people to an increased prevalence of high-risk health-related behaviors, such as tobacco use, drug use, and alcohol disorders.²⁷²

For example, a 2016 study by the American Psychological Association based on a nationally representative sample linked experiences of discrimination to increased stress and poorer health for LGBT people.²⁷³ The study found that LGBT adults reported higher average levels of perceived stress (6.0 vs. 5.0 on a 10-point scale) and were more likely to report extreme levels of stress (39% v. 23%) in the prior 30 days than adults who were non-LGBT.²⁷⁴ Job stability was a current source of stress for 57% of LGBT adults compared to 36% of non-LGBT adults.²⁷⁵ The study also found that many LGBT respondents had experienced discrimination.²⁷⁶ Nearly one-fourth (23%) of the LGBT adults reported that they had ever been unfairly stopped, searched, questioned, physically threatened or abused by the police; nearly one-fourth (24%) reported being unfairly discouraged by a teacher or advisor to continue their education; and one-third (33%) reported being unfairly not hired for a job.²⁷⁷

²⁷⁰ James Warner et al., *Rates and Predictors of Mental Illness in Gay Men, Lesbians and Bisexual Men and Women: Results from a Survey Based in England and Wales*, 185 BRITISH J. OF PSYCHIATRY 479 (2004).

²⁷¹ E.g., Jesus Ramirez-Valles et al., *Confronting Stigma: Community Involvement and Psychological Well-Being among HIV-positive Latino Gay Men*, 27 HISP. J. OF BEHAV. SCI. 101 (2005).

²⁷² E.g., Keren Lehavot & Jane M. Simoni, *The Impact of Minority Stress on Mental Health and Substance Use among Sexual Minority Women*, 79 J. CONSULT. CLIN. PSYCHOL. 159 (2011); Sean Esteban McCabe, Wendy B. Bostwick, Tonda L. Hughes, Brady T. West & Carol J. Boyd, *The Relationship between Discrimination and Substance Use Disorders among Lesbian, Gay, and Bisexual Adults in the United States*, 100 AM. J. PUBLIC HEALTH 1946 (2010); Mark L. Hatzenbuehler, Katie A. McLaughlin, Katherine M. Keyes & Deborah S. Hasin, *The Impact of Institutional Discrimination on Psychiatric Disorders in Lesbian, Gay, and Bisexual Populations: A Prospective Study*, 100 AM. J. PUBLIC HEALTH 452 (2010); Genevieve N. Weber, *Using to Numb the Pain: Substance Use and Abuse among Lesbian, Gay, and Bisexual Individuals*, 30 J. MENTAL HEALTH COUNSELING 31 (2008).

²⁷³ AM. PSYCH. ASSOC., *supra* note 264.

²⁷⁴ *Id.* at 22. LGBT adults were also more likely than non-LGBT adults to report experiencing increased stress over the past year (49% v. 34%). More than one-third of adults who are LGBT believed they were not doing enough to manage their stress, compared to one-fifth of non-LGBT adults saying the same (35% v. 20%).

²⁷⁵ *Id.*

²⁷⁶ The percentage of respondents who were reported as having experienced discrimination said that they had either experienced “at least one of the five day-to-day stressors ‘less than once a year’ or more often; or ever experienced one of nine major forms of discrimination.” The five day-to-day stressors included: 1. You are treated with less courtesy or respect than other people; 2. You receive poorer service than other people at restaurants or stores; 3. People act as if they think you are not smart; 4. People act as if they are afraid of you; 5. You are threatened or harassed.” The nine major forms of discrimination included: 1. Have you ever been unfairly fired from a job? 2. Have you ever been unfairly denied a promotion? 3. For unfair reasons, have you ever been not hired for a job? 4. Have you ever been unfairly stopped, searched, questioned, physically threatened or abused by the police? 5. Have you ever been unfairly discouraged by a teacher or advisor from continuing your education? 6. Have you ever been unfairly prevented from moving into a neighborhood because the landlord or a realtor refused to sell or rent you a house or apartment? 7. Have you ever moved into a neighborhood where neighbors made life difficult for you or your family? 8. Have you ever been treated unfairly when receiving health care? 9. Have you ever been treated unfairly while using transportation (e.g., buses, taxis, trains, at an airport, etc.)? Press Release, Am. Psych. Assoc., 2015 Stress in America: Methodology, <http://www.apa.org/news/press/releases/stress/2015/methodology.aspx> (last visited Dec. 5, 2016) (see Measurement with Experience with Discrimination).

²⁷⁷ AM. PSYCH. ASSOC., *supra* note 264 at 6-7.

Studies have also linked a lack of legal protections and a poor state social climate to health disparities for LGBT people. For example, a 2009 study by Mark Hatzenbuehler et al. found that an unsupportive state-level legal landscape for LGB people was associated with “higher rates of psychiatric disorders across the diagnostic spectrum, including any mood, anxiety, and substance use disorder” in the LGB population than found in LGB populations in states with more supportive laws.²⁷⁸ A 2010 study by the same authors found that rates of anxiety, mood disorders, and alcohol use disorder increased significantly for LGB respondents after their state passed a constitutional ban on marriage for same-sex couples, and rates were unchanged in states that did not pass bans. The authors concluded that their “findings provide the strongest empirical evidence to date that living in states with discriminatory laws may serve as a risk factor for psychiatric morbidity in LGB populations.”²⁷⁹ Drawing on these findings and prior research, Hatzenbuehler concluded that “the recent laws that have been passed [anti-LGBT laws in North Carolina and Mississippi], as well the prejudicial attitudes that underlie them, are likely to have negative consequences for the mental and physical health of LGBT populations.”²⁸⁰

Similarly, researchers who used 2011 North Carolina BRFSS data to study health disparities between LGB and non-LGB people in the state noted that the poor legal and social environment for LGB people in the South may exacerbate the disparities:

Of additional concern is that many Southeastern states have failed to incorporate sexual minorities into existing laws (e.g., employment nondiscrimination) or have adopted new anti-LGB policies (e.g., prohibiting legal recognition of same-sex relationships), both of which may create and exacerbate unhealthful social environments for LGB populations, even as evidence of the health impact of local and state policies on LGB health grows. This context may yield health profiles different from New England and the Pacific Northwest, areas that currently have a greater number of policies in place that support LGB and transgender rights.²⁸¹

Additionally, research indicates that laws or policies restricting bathroom access for transgender people can negatively impact their health, and can put them in danger of verbal and physical harassment. For example, a 2008 survey of transgender and gender non-conforming people in Washington, D.C. found that 54% of respondents had experienced a physical health problem

²⁷⁸ Mark L. Hatzenbuehler, Katherine M. Keyes & Deborah S. Hasin, *State-Level Policies and Psychiatric Morbidity in Lesbian, Gay, and Bisexual Populations*, 99 AM. J. PUBLIC HEALTH 2275, 2277 (2009). The study looked at two types of laws: employment non-discrimination laws and hate crimes laws. *Id.* at 2275. If a state did not include sexual orientation as a protected characteristic in either type of law, it was considered an unsupportive state. *Id.* at 2277.

²⁷⁹ Hatzenbuehler, McLaughlin, Keyes & Hasin, *supra* note 272 at 456. *See also*, Ben Lennox Kail, Katie L. Acosta & Eric R. Wright, *State-Level Marriage Equality and the Health of Same-Sex Couples*, 105 AM. J. PUBLIC HEALTH 1101 (2015).

²⁸⁰ Mark L. Hatzenbuehler, *The Health Consequences of Hate*, COLUMBIA UNIV. (Apr. 26, 2016), <https://www.mailman.columbia.edu/public-health-now/news/health-consequences-hate>.

²⁸¹ Derrick D. Matthews & Joseph G. L. Lee, *A Profile of North Carolina Lesbian, Gay, and Bisexual Health Disparities*, 106 AM. J. PUB. HEALTH 98 (2014).

from trying to avoid public bathrooms, including dehydration, urinary tract infections, kidney infections, and other kidney related problems.²⁸² Further, 58% of the respondents reported that they “avoided going out in public due to a lack of safe restroom facilities,” 68% reported that they had been verbally harassed in a restroom, and 9% reported that they had been physically assaulted in a restroom.²⁸³

While research provides strong support for direct links between anti-LGBT policies or unsupportive environments and negative health outcomes, there may be other related factors that could contribute to the magnitude of observed disparities. For example, researchers have noted that healthier and better-resourced LGBT people may be able to move to more supportive climates than LGBT peers in worse health which would heighten observed disparities in less accepting places.²⁸⁴ Nonetheless, the research indicates that minority stress factors, including a lack of legal protections, discrimination, and a poor social climate, likely contribute to LGBT health disparities in Arizona.

2. Health Disparities for LGBT Youth

Patterns of poor health and health risk observed among LGBT adults have been widely documented among LGBT adolescents as well. For example, the CDC analysis of 2015 YRBS data from 25 states and 19 large urban school districts reported disproportionately high rates of poor mental health and health risk behavior, commonly considered stress coping behavior,²⁸⁵ that disfavor LGB youth.²⁸⁶ Analyses of YRBS data from 2001-2009 also indicated sexual orientation disparities in mental health and health risk behaviors, suggesting that intervention efforts to date have been insufficient.²⁸⁷ Finally, a 2011 meta-analysis of 18 studies found that compared to non-LGB youth, LGB youth were more likely to report depression and more than twice as likely to think about suicide, over three times as likely to report that they had attempted suicide, and more than four times as likely to have attempted suicide such that they needed medical attention.²⁸⁸

Other studies have linked health disparities and risk behaviors among LGB youth to discrimination and unsupportive environments. For example, a 2017 study found that marriage equality at the state level was associated with a statistically significant decline (14%) in the

²⁸² Jody L. Herman, *Gendered Restrooms and Minority Stress: The Public Regulation of Gender and Its Impact on Transgender People's Lives*, 19 J. PUBLIC MANAGEMENT & SOCIAL POL'Y. 65, 75 (2013).

²⁸³ *Id.* at 71, 76.

²⁸⁴ Hatzenbuehler, McLaughlin, Keyes & Hasin, *supra* note 272 at 452.

²⁸⁵ *See, e.g.*, Liu & Alloy, *supra* note 244; Kassel et al., *supra* note 244; Brady & Sonne, *supra* note 244.

²⁸⁶ *Id.*

²⁸⁷ *See, e.g.*, Laura Kann et al., *supra* note 160.

²⁸⁸ Michael P. Marshal, Laura J. Dietz, Mark S. Friedman, Ron Stall, Helen Smith, James McGinley, Brian C. Thoma, Pamela J. Murray, Anthony D'Augelli & David A. Brent, *Suicide and Depression Disparities Between Sexual Minority and Heterosexual Youth: A Meta-Analytic Review*, 49 J. ADOL. HEALTH 115 (2011).

proportion of LGB youth reporting that they attempted suicide in the past year.²⁸⁹ Similarly, a 2011 study of youth in Oregon found that, in general, LGB youth were more likely to have attempted suicide than heterosexual youth, and that LGB youth in unsupportive school environments were at a 20% greater risk of attempting suicide than were LGB youth in supportive school environments.²⁹⁰ High levels of school-based victimization have been associated with higher levels of illicit drug use and risky sexual behavior.²⁹¹ Research has also linked unsupportive family environments to depression and suicidality,²⁹² high levels of stress,²⁹³ tobacco use,²⁹⁴ and illicit drug use²⁹⁵ in LGB youth and young adults.

Studies of transgender youth have also found evidence of associations between discrimination, abuse, and poorer health. For example, a 2010 study found that transgender respondents who had experienced gender-related abuse in their youth reported significantly higher rates of major depression and suicidality during that period of their lives than those who had not had such experiences.²⁹⁶

a. Health Disparities for LGBT Youth in Arizona

i. Depression and Suicidality

Data from the 2015 Arizona YRBS suggest that sexual orientation disparities in mental health and substance use observed elsewhere in the U.S. also persist in Arizona.

As shown in Figure III.b., larger proportions of LGB high school students in Arizona reported feeling isolated, depressed, and suicidal than non-LGB students. During the 12 months prior to

²⁸⁹ Julia Raifman et al., *Difference-in-Differences Analysis of the Association between State Same-Sex Marriage Policies and Adolescent Suicide Attempts*, 171 JAMA PEDIATRICS 350 (2017) [doi: 10.1001/jamapediatrics.2016.4529].

²⁹⁰ Mark L. Hatzenbuehler, *The Social Environment and Suicide Attempts in Lesbian, Gay, and Bisexual Youth*, 127 PEDIATRICS 896 (2011).

²⁹¹ Daniel E. Bontempo & Anthony D'Augelli, *Effects of At-School Victimization and Sexual Orientation on Lesbian, Gay, or Bisexual Youths' Health Risk Behavior*, 30 J. ADOL. HEALTH 362 (2002); Kann et al., *supra* note 160 at 11.

²⁹² Another study found that LGBT youth who were rejected by their families in adolescence were 5.9 times more likely to report high levels of depression and 8.4 times more likely to have attempted suicide than LGBT youth who had not been rejected. Caitlin Ryan, David Huebner, Rafael M. Diaz & Jorge Sanchez, *Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults*, 123 PEDIATRICS 346 (2009).

²⁹³ Mark L. Hatzenbuehler & Katie A. McLaughlin, *Structural Stigma and Hypothalamic-Pituitary-Adrenocortical Axis Reactivity in Lesbian, Gay, and Bisexual Young Adults*, 47 ANN. BEHAV. MED. 39 (2014).

²⁹⁴ Mark L. Hatzenbuehler, Hee-Jin Jun, Heather L. Corliss & S. Bryn Austin, *Structural Stigma and Cigarette Smoking in a Prospective Cohort Study of Sexual Minority and Heterosexual Youth*, 47 ANN. BEHAV. MED. 48 (2014).

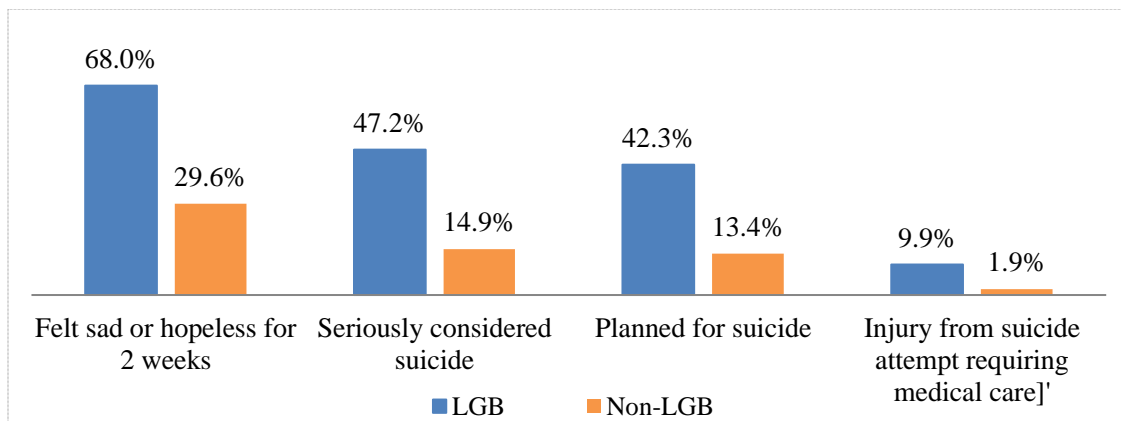
²⁹⁵ Mark L. Hatzenbuehler, Hee-Jin Jun, Heather L. Corliss & S. Bryn Austin, *Structural Stigma and Sexual Orientation Disparities in Adolescent Drug Use*, 46 ADDICTIVE BEHAVIORS 14 (2015).

²⁹⁶ Larry Nuttbrock, Sel Hwahng, Walter Bockting, Andrew Rosenblum, Mona Mason, Monica Macri & Jeffrey Becker, *Psychiatric Impact of Gender-Related Abuse Across the Life Course of Male-to-Female Transgender Persons*, 47 J. SEX. RES. 12 (2010).

the survey, over two-thirds of LGB students in Arizona reported feeling so sad or hopeless every day for over two weeks that they stopped doing some of their usual activities (68.0%).²⁹⁷ This was more than double the rate of non-LGB students who reported the same (29.6%). An affirmative answer to this question is part of the diagnostic definition of major depressive disorder.²⁹⁸

Figure III.b. 12-month Depression and Suicidality among High School Students in Arizona, by Sexual Orientation

Source: Laura Kann et al., *Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors among Students in Grades 9–12, United States and Selected Sites, 2015*



LGB high school students in Arizona were over three times as likely to have seriously considered suicide in the year prior to the survey compared to non-LGB students (47.2% v. 14.9%).²⁹⁹ In addition, 42.3% of LGB students³⁰⁰ reported making a plan for how to attempt suicide and 9.9% reported being injured from a suicide attempt in a way that had to be treated by a doctor or a nurse in the 12 months prior to the survey.³⁰¹ By comparison, 13.4% of non-LGB students in Arizona reported making a plan for how to attempt suicide³⁰² and 1.9% reported being injured from a suicide attempt that had to be treated by a doctor or a nurse.³⁰³

ii. Substance Use

LGB high school students in Arizona were also more likely to report drinking, smoking, and other substance abuse than non-LGB students.

²⁹⁷ Laura Kann et al., *supra* note 160 at 108.

²⁹⁸ See *Diagnostic Criteria for Major Depressive Disorder and Depressive Episodes*, PSNPALOALTO.COM, <http://www.psnpalalto.com/wp-content/uploads/2010/12/Depression-Diagnostic-Criteria-and-Severity-Rating.pdf> (last visited May 4, 2016).

²⁹⁹ Kann et al., *supra* note 24 at 109.

³⁰⁰ *Id.* at 109.

³⁰¹ *Id.* at 112.

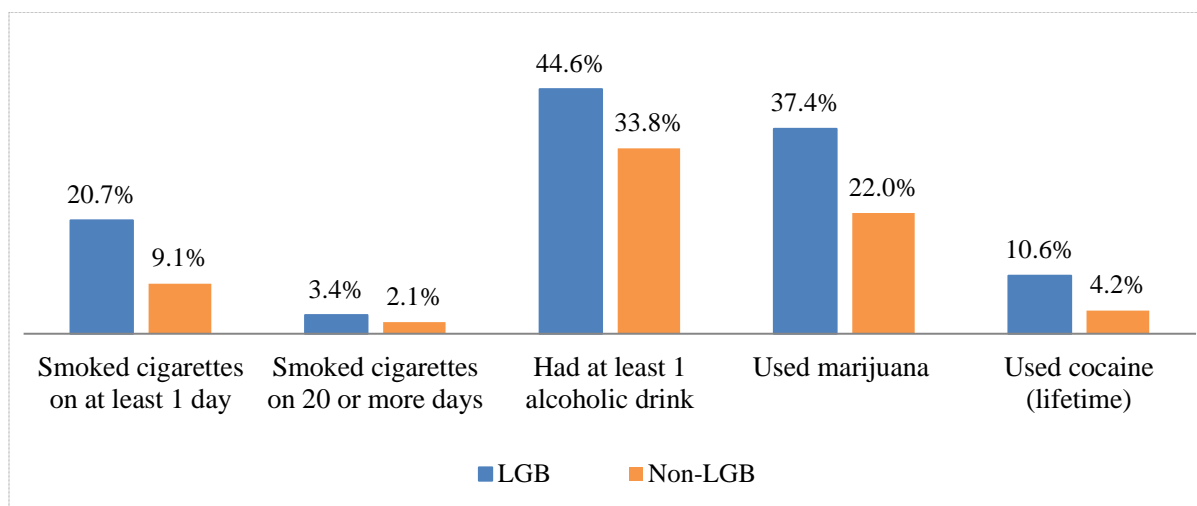
³⁰² *Id.* at 110.

³⁰³ *Id.* at 112.

LGB students in Arizona were twice as likely to report having smoked cigarettes on one or more days in the month prior to the survey (20.7% v. 9.1%)³⁰⁴ and were also more likely to report that they had smoked cigarettes on 20 or more days in the month prior to the survey (3.4% v. 2.1%)³⁰⁵ than non-LGB students.³⁰⁵ LGB students were also more likely to have had at least one drink in the month prior to the survey than non-LGB students (44.6% v. 33.8%).³⁰⁶

Figure III.c. 30-Day Substance Use among High School Students Arizona, by Sexual Orientation

Source: Laura Kann et al., *Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors among Students in Grades 9–12, United States and Selected Sites, 2015*



LGB high school students in Arizona were also more likely to report illicit drug use than non-LGB students. LGB students were more likely to report having used marijuana (37.4% v. 22.0%)³⁰⁷ in the month prior to the survey and were more than twice as likely as non-LGB students to report ever having used cocaine (10.6% v. 4.2%).³⁰⁸

These findings are consistent with the 2015 YRBS data collected in 24 other states and 18 large urban school districts. In terms of mental health, like LGB youth in Arizona, LGB youth in the national YRBS sample were more likely to report that they felt so sad or hopeless that they stopped doing their usual activities for a period of time,³⁰⁹ that they had seriously considered suicide,³¹⁰ that they had made a suicide plan,³¹¹ and that they had made a suicide attempt that resulted in an injury that had to be treated by a doctor or nurse.³¹² In terms of substance use,

³⁰⁴ *Id.* at 115.

³⁰⁵ *Id.* at 116.

³⁰⁶ *Id.* at 131.

³⁰⁷ *Id.* at 137.

³⁰⁸ *Id.* at 141.

³⁰⁹ *Id.* at 108.

³¹⁰ *Id.* at 109.

³¹¹ *Id.* at 110.

³¹² *Id.* at 112.

LGB youth in the national sample, similarly to LGB youth in Arizona, reported higher rates of smoking cigarettes,³¹³ drinking alcohol,³¹⁴ binge drinking,³¹⁵ marijuana use,³¹⁶ and cocaine use.³¹⁷

The YRBS findings for high school students in Arizona and the U.S. are also consistent with findings from a 2014 survey of college students at the University of Arizona. In response to the survey, 43.4% of LGBTQ+ students said they had been diagnosed with depression, 40.8% said they had been diagnosed with anxiety, and 32.2% said they had been diagnosed with both.³¹⁸ Among non-LGBTQ+ students, 14.0% said they had been diagnosed with depression, 19.4% said they had been diagnosed with anxiety, and 14.0% said they had been diagnosed with both.³¹⁹ Additionally, 25.2% of LGBTQ+ students said they had seriously considered attempting suicide at least once in the prior school year and 4% had actually attempted suicide at least once in the prior school year. By comparison, 4.0% of non-LGBTQ+ students said they had seriously considered attempting suicide at least once in the prior school year and 1.1% had actually attempted suicide at least once in the prior school year.³²⁰ LGBTQ+ students at the University of Arizona were also more likely than non-LGBTQ+ students to have used tobacco (9.9% v. 6.7%), alcohol (65.6% v. 56.5%), and marijuana (19.2% v. 7.9%) within the month prior to the survey.³²¹

³¹³*Id.* at 115-16.

³¹⁴*Id.* at 131-32.

³¹⁵*Id.* at 133.

³¹⁶*Id.* at 137.

³¹⁷*Id.* at 141.

³¹⁸ Pring et al., *supra* note 112 at 37.

³¹⁹*Id.*

³²⁰*Id.*

³²¹*Id.* at 38.

SECTION IV. ECONOMIC IMPACT OF STIGMA AND DISCRIMINATION AGAINST LGBT PEOPLE

In 2014, USAID and the Williams Institute produced a study addressing the economic impacts of stigma and discrimination against LGBT people. In this section, we draw from that study and look to three forms of stigma and discrimination to assess the impact of an unsupportive legal landscape and social climate on Arizona's economy: 1) discrimination and harassment in the workplace and other settings; 2) health disparities experienced by LGBT people; and 3) bullying and harassment of youth.³²² In our analysis, we draw on data specific to Arizona, and illustrate the magnitude of some of the costs resulting from different types of stigma and discrimination. Due to limited available data on LGBT people in the state, we are able to estimate only a few of the costs related to LGBT stigma and discrimination in Arizona.

A. *Approach to Analyzing Economic Implications of Stigma and Discrimination against LGBT People*

In a 2014 USAID and Williams Institute study, titled *The Relationship Between LGBT Inclusion and Economic Development: An Analysis of Emerging Economies*, the authors explored both micro- and macro-level analyses to assess possible links between discrimination against LGBT people, as well as exclusionary treatment of LGBT people, and economic harms to the state.³²³ In the micro-level analysis, the authors considered five types of discrimination against LGBT people and explained how they might be linked to harmful economic outcomes:

- 1) Police abuse and over-incarceration;
- 2) Higher rates of violence;
- 3) Workplace harassment and discrimination;
- 4) Discrimination and bullying of LGBT students in schools; and
- 5) Health disparities.³²⁴

³²² The USAID and Williams Institute study also assessed the economic impacts of two other forms of stigma and discrimination against LGBT people: 1) police abuse and over-incarceration and 2) higher rates of violence. We do not consider these forms in this report due to a lack of state-level data on effects of such stigma and discrimination against LGBT people in Arizona.

³²³ M.V. LEE BADGETT, SHEILA NEZHAD, KEES WAALDIJK & YANA VAN DER MEULEN RODGERS, USAID & WILLIAMS INST., *THE RELATIONSHIP BETWEEN LGBT INCLUSION AND ECONOMIC DEVELOPMENT: AN ANALYSIS OF EMERGING ECONOMIES 2* (2014), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/lgbt-inclusion-and-development-november-2014.pdf>. The micro-level analysis focused on the experiences of LGBT individuals and the defined inclusion as the ability to live one's life as one chooses. *Id.* at 1. The macro-level analysis analyzed the effect of LGBT rights on economic development (measured by per capita gross domestic product and the Human Development Index) after controlling for other factors that influence development. *Id.* at 2.

³²⁴ *Id.*

After considering these, the authors concluded that “human rights violations experienced by LGBT people diminish economic output and capacity at the micro-level. When LGBT people are targets of violence, denied equal access to education, stigmatized in communities, and discouraged from pursuing the jobs that maximize their skills, their contributions to the whole economy are diminished, holding back economic advancement for the national economy.”³²⁵

Turning to the macro-level, the authors found an association between greater protections of legal rights for sexual and gender identity minorities and economic development in emerging economies, measured by per capita GDP.³²⁶ Notably, they found that non-discrimination laws in particular “have an especially strong correlation with GDP per capita. The importance of nondiscrimination laws could be related to their stronger connection to the treatment of LGBT people in the workplace and other settings that have direct economic relevance.”³²⁷

While the USAID and Williams Institute study focused on national economies, similar types of discrimination and stigma confront LGBT people in Arizona and are likely to have similar economic effects.

Before we turn to the analysis, five important points:

First, we map out several economic impacts due to stigma and discrimination against LGBT people in Arizona in general. We do not consider how the effects specifically relate to any particular law or policy in the state.

Second, we illustrate just a few of the economic impacts created by a challenging legal landscape and social climate for LGBT people in Arizona. This report is not intended to quantify the total amount of harmful economic impacts related to stigma and discrimination against LGBT people in the state.

Third, while the forms of discrimination and stigma that we address in this study provide a useful way to understand some of the significant challenges that LGBT people face throughout their lives, different types of discrimination and stigma interact with each other and all may contribute to one or more negative outcomes for LGBT people. For example, LGBT people are more likely to be poor because of school bullying and workplace discrimination, to have poor health, and to have higher rates of incarceration and violent crime victimization. Because these factors overlap and interact, the economic impacts that we have estimated should not be summed together.

³²⁵ *Id.* at 6.

³²⁶ *Id.* at 10.

³²⁷ *Id.* at 3.

Fourth, focusing on LGBT stigma and discrimination alone will not address all negative outcomes experienced by LGBT people. LGBT people have a minority sexual orientation and/or gender identity, but also have other identities including race, ethnicity, age, disability, and gender. While a singular focus on LGBT stigma will not entirely eliminate the disparities we discuss, an approach that embraces eliminating disparities for diverse LGBT people, no matter what their cause, will improve the lives of many non-LGBT people as well. For example, eliminating gender and racial-ethnic wage gaps in the U.S. would both eliminate the poverty gap between same-sex and different sex-couples, as well as lift many non-LGBT people out of poverty.³²⁸

Finally, as the authors of the USAID and Williams Institute study emphasize, to move this analysis beyond this framework and the illustrations of economic impact below, we need more complete and better data on LGBT populations.³²⁹ In particular, the routine inclusion of sexual orientation and gender identity measures on large population-based surveys would provide a rich source of information about LGBT people and disparities they face related to their sexual orientation and gender identity. The value of such data collection is illustrated by our use of two data sets specific to LGB people in Arizona that were unavailable just a few years ago—data from the Youth Risk Behavior Survey (YRBS) and the Behavioral Risk Factor Surveillance System (BRFSS). We also need more research about the lived experiences of LGBT people and the effectiveness of legal protections to further assess the impact of LGBT supportive laws and climates on LGBT people.³³⁰

B. Economic Impact of Harassment and Discrimination against LGBT People in the Workplace and Other Settings

A growing body of research finds that supportive workplace policies and practices, such as non-discrimination policies, have a positive impact on employer outcomes—which has been termed “the business case for diversity.” While this research has primarily focused on the inclusive policies and environments of individual firms, it also suggests that state economies benefit from more inclusive legal and social environments.

To the extent that Arizona’s legal landscape and social climate is unsupportive of LGBT workers, businesses within the state and the state as an employer are likely to experience negative economic outcomes. Research shows that LGBT workers in unsupportive environments are less likely to be open about their sexual orientation or gender identity at work,

³²⁸ M.V. LEE BADGETT & ALYSSA SCHNEEBAUM, WILLIAMS INST., THE IMPACT OF WAGE EQUALITY ON SEXUAL ORIENTATION POVERTY GAPS (2015), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Impact-of-Wage-Equality-on-Sexual-Orientation-Poverty-Gaps-June-2015.pdf>.

³²⁹ See, e.g., MARIELLA ARRENDONDO ET AL., DOCUMENTING DISPARITIES FOR LGBT STUDENTS: EXPANDING THE COLLECTION AND REPORTING OF DATA ON SEXUAL ORIENTATION AND GENDER IDENTITY (2016), available at <http://www.indiana.edu/~atlantic/wp-content/uploads/2016/03/SOGI-Brief-Final.pdf>.

³³⁰ BADGETT, NEZHAD, WAALDIJK & RODGERS, *supra* note 323 at 49.

more likely to be distracted on the job, and less likely to be committed to staying at their current employer, compared to LGBT employees at supportive workplaces. Moreover, LGBT and non-LGBT workers from outside of a state that they perceive as unsupportive may be less likely to accept job offers from employers in the state.

In addition, discrimination in employment, housing, and other areas of life can result in LGBT people experiencing economic instability, including poverty and homelessness. When LGBT people experience economic instability, they are more likely to rely on government benefits and services, which increases the costs of these programs to the state.

1. The Business Case for Diversity

Over the past two decades, many employers have adopted non-discrimination policies to protect LGBT employees and created more inclusive workplace environments, even when not legally required to do so.³³¹ In doing so, both employers and LGBT advocates have articulated the business case for diversity, drawing on research initially related to racial and gender diversity, but now frequently evaluating LGBT-supportive policies and practices.

Corporations have increasingly enacted LGBT-supportive policies, in part, because the companies perceive that the policies will have a positive impact on the bottom line. As of 2015, 93% of Fortune 500 companies had policies prohibiting sexual orientation discrimination and 75% included gender identity.³³² Further, 64% offered domestic partner benefits and 40% had transgender-inclusive benefits policies.³³³

A number of Arizona's top employers have adopted internal policies that prohibit employment discrimination against LGBT people. At least eighteen of Arizona's twenty largest employers

³³¹ M.V. LEE BADGETT, *MONEY, MYTHS, AND CHANGE: THE ECONOMIC LIVES OF LESBIANS AND GAY MEN* (2001); NICOLE C. RAEBURN, *CHANGING CORPORATE AMERICA FROM INSIDE OUT: LESBIAN AND GAY WORKPLACE RIGHTS* (2004).

³³² DARYL HERRSCHAFT ET AL., HUMAN RIGHTS CAMPAIGN, *DEGREES OF EQUALITY: A NATIONAL STUDY EXAMINING WORKPLACE CLIMATE FOR LGBT PEOPLE* 5 (2009), https://issuu.com/hrcworkplace/docs/hrc_degrees_of_equality_2009; DEENA FIDAS & LIZ COOPER, HUMAN RIGHTS CAMPAIGN, *CORPORATE EQUALITY INDEX 2016: RATING AMERICA'S WORKPLACES ON LESBIAN, GAY, BISEXUAL AND TRANSGENDER EQUALITY* 7 (2016), <http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/CEI-2016-FullReport.pdf>.

³³³ DEENA FIDAS & LIZ COOPER, *supra* note 332.

prohibit discrimination based on sexual orientation,³³⁴ including Banner Health,³³⁵ Wal-Mart,³³⁶ and Kroger.³³⁷ In addition, at least twelve of these employers also prohibit discrimination based on gender identity,³³⁸ including Kroger,³³⁹ Wells Fargo,³⁴⁰ and Intel.³⁴¹

³³⁴ *Arizona Republic 100: State's Largest Employers in 2017*, AZCENTRAL.COM, <https://www.azcentral.com/picture-gallery/money/business/jobs/2017/04/04/arizona-republic-100-states-largest-employers-in-2017/100009154/> (last visited Dec. 20, 2017) (identifying the top twenty employers); BANNER HEALTH, CODE OF CONDUCT 6 [hereinafter BANNER ETHICS POLICY] (Sept. 1, 2017), [https://www.bannerhealth.com/-/media/files/pdfs/about/vendor/code-of-conduct-\(92017\).pdf?la=en](https://www.bannerhealth.com/-/media/files/pdfs/about/vendor/code-of-conduct-(92017).pdf?la=en); WAL-MART STORES, INC., GLOBAL STATEMENT OF ETHICS 11 [hereinafter WAL-MART ETHICS POLICY], <https://www.walmartethics.com/uploadedFiles/Content/U.S.%20-%20English.pdf> (last visited Jan. 2, 2018); KROGER CO., THE KROGER CO. POLICY ON BUSINESS ETHICS 7 (rev. Apr. 1, 2016) [hereinafter KROGER ETHICS POLICY], <http://ir.kroger.com/Cache/1001217967.PDF?O=PDF&T=&Y=&D=&FID=1001217967&iid=4004136>; MCDONALD'S CORP., STANDARDS OF BUSINESS CONDUCT 19 (2011), https://www.mcdonalds.com/dam/AboutMcDonalds/Investors/9497_SBC_International_EN-US%20v2%20final%20061311.pdf; WELLS FARGO, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION [hereinafter WELLS FARGO ETHICS POLICY], <https://www.wellsfargo.com/about/careers/equal-employment-opportunity/> (last Jan. 2, 2018); ALBERTSONS INC., https://www.albertsons.com/employment_position/retail_jobs/ (last visited Jan. 2, 2018); INTEL CORP., HUMAN RIGHTS PRINCIPLES 2 (rev. May 2015) [hereinafter INTEL ETHICS POLICY], <https://www.intel.com/content/dam/www/public/us/en/documents/corporate-information/policy-human-rights.pdf>; RAYTHEON CORP., INNOVATION DRIVEN BY DIVERSITY [hereinafter RAYTHEON ETHICS POLICY], <https://www.raytheon.com/diversity/> (last visited Jan. 2, 2018); JP MORGAN CHASE & CO., OUR BUSINESS PRINCIPLES 9, https://www.jpmorganchase.com/corporate/About-JPMC/document/business_principles.pdf (last visited Dec. 20, 2017); AMERICAN AIRLINES GROUP INC., AMERICAN AIRLINES LGBT POLICIES, PRACTICES AND COMMUNITY RECOGNITION AT A GLANCE [hereinafter AM. AIRLINES ETHICS POLICY] (June 2009), <https://www.aa.com/content/images/aboutUs/newsroom/aa-lgbt-backgrounder.pdf>; BANK OF AM. CORP., EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION STATEMENT [hereinafter BANK OF AM. ETHICS POLICY], <http://careers.bankofamerica.com/us/eeo-statement> (last visited Jan. 2, 2018); HOME DEPOT INC., BUSINESS CODE OF CONDUCT AND ETHICS 4 [hereinafter HOME DEPOT ETHICS POLICY] (2014), <http://ir.homedepot.com/~media/Files/H/HomeDepot-IR/documents/governance-documents/business-code-of-conduct-and-ethics.pdf>; DIGNITY HEALTH, OUR MISSION, VISION AND VALUES [hereinafter DIGNITY ETHICS POLICY], <http://www.dignityhealthcareers.org/careers/Our-Mission-Values-and-Vision/> (last visited Dec. 20, 2017); HONEYWELL INT'L INC., NOTICE TO SUBCONTRACTORS, VENDORS, AND SUPPLIERS, https://www.honeywell.com/-/media/Honeywell_com/Files/Code-of-Conduct/Notice-to-SubcontractorsVendors-and-Suppliers-pdf.pdf (last visited Dec. 20, 2017); CVS HEALTH, EMPLOYEE AND CONSUMER RIGHTS [hereinafter CVS ETHICS POLICY], <https://cvshhealth.com/about/diversity/employee-and-consumer-rights> (last visited Jan. 2, 2018); TARGET CORP., LABOR & HUMAN RIGHTS POLICIES [hereinafter TARGET ETHICS POLICY], <https://corporate.target.com/corporate-responsibility/responsible-sourcing/social-compliance/labor-and-human-rights> (last visited Jan. 2, 2018); FREEPORT-MCMORAN INC., PRINCIPLES OF BUSINESS CONDUCT STRENGTH IN VALUES 12 [hereinafter FREEPORT ETHICS POLICY], https://www.fcx.com/sites/fcx/files/documents/policies/pbc_english.pdf (last visited Dec. 20, 2017); AM. EXPRESS CO., AMERICAN EXPRESS CAREERS [hereinafter AMEX ETHICS POLICY], <https://jobs.americanexpress.com/unitedstates/jobs/experienceLevel> (last visited Jan. 2, 2018) (disclaimer at bottom).

³³⁵ BANNER ETHICS POLICY, *supra* note 334.

³³⁶ WAL-MART ETHICS POLICY, *supra* note 334.

³³⁷ KROGER ETHICS POLICY, *supra* note 334.

³³⁸ See KROGER ETHICS POLICY, *supra* note 334; WELLS FARGO ETHICS POLICY, *supra* note 334; INTEL ETHICS POLICY, *supra* note 334; RAYTHEON ETHICS POLICY, *supra* note 334; AM. AIRLINES ETHICS POLICY, *supra* note 334; BANK OF AM. ETHICS POLICY, *supra* note 334; HOME DEPOT ETHICS POLICY, *supra* note 334; DIGNITY ETHICS POLICY, *supra* note 334; CVS ETHICS POLICY, *supra* note 334; TARGET ETHICS POLICY, *supra* note 334; FREEPORT ETHICS POLICY, *supra* note 334; AMEX ETHICS POLICY, *supra* note 334.

³³⁹ KROGER ETHICS POLICY, *supra* note 334.

³⁴⁰ *Equal Employment Opportunity and Affirmative Action*, WELLS FARGO, <https://www.wellsfargo.com/about/careers/equal-employment-opportunity/> (last visited Dec. 20, 2017).

³⁴¹ INTEL ETHICS POLICY, *supra* note 334.

As stated in a 2015 amici brief filed by 379 large corporations in the historic marriage equality case *Obergefell v. Hodges*,³⁴² the business case for diversity is clear:

Today, diversity and inclusion are a given. They are among the core principles of amici in the conduct of their businesses. The value of diversity and inclusion in the workplace has been well-documented following rigorous analyses. Amici and others recognize that diversity is crucial to innovation and marketplace success. Members of the lesbian, gay, bisexual, and transgender (“LGBT”) community are one source of that diversity.³⁴³

In fact, a 2011 study found that when enacting non-discrimination policies, 92% of the leading companies in the U.S. did so based on a general argument that diversity is good for business, and 53% made that link specifically to LGBT-supportive policies and practices.³⁴⁴ Similarly, a 2013 Williams Institute study found that over 60% of corporate respondents that offered transition-related health care coverage to their employees did so because of the business benefits.³⁴⁵ Some of the specific business-related outcomes that have motivated employers to adopt LGBT-supportive policies include: recruiting and retaining talented employees, sparking new ideas and innovations, attracting and serving a diverse customer base, and enhancing employee productivity.³⁴⁶

Academic research conducted over the past two decades supports the business case for LGBT inclusion. In 2013, the Williams Institute reviewed 36 academic studies examining the effects of LGBT-supportive policies, and concluded that the research supports the existence of many positive links between LGBT-supportive policies or workplace climates and outcomes that will benefit employers (Figure IV.a.).³⁴⁷

³⁴² 135 S. Ct. 2584 (2015).

³⁴³ Brief for 379 Employers and Organizations Representing Employers as Amici Curiae Supporting Petitioners, *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015) (Nos. 14-556, 14-562, 14-571, 14-574), available at http://www.supremecourt.gov/ObergefellHodges/AmicusBriefs/14-556_379_Employers_and_Organizations_Representing_Employers.pdf.

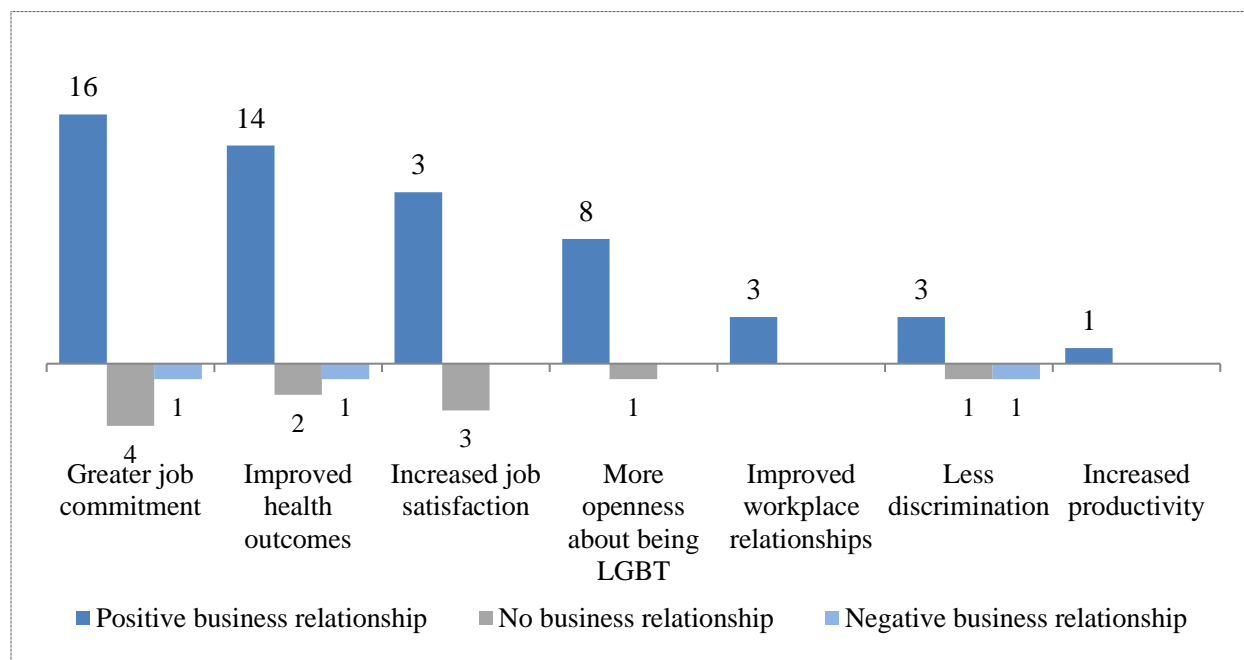
³⁴⁴ BRAD SEARS & CHRISTY MALLORY, WILLIAMS INST., ECONOMIC MOTIVES FOR ADOPTING LGBT-RELATED WORKPLACE POLICIES (2011), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Mallory-Sears-Corp-Statements-Oct2011.pdf>.

³⁴⁵ JODY L. HERMAN, WILLIAMS INST., COSTS AND BENEFITS OF PROVIDING TRANSITION-RELATED HEALTH CARE COVERAGE IN EMPLOYEE HEALTH BENEFIT PLANS: FINDINGS FROM A SURVEY OF EMPLOYERS 3 (2013), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Herman-Cost-Benefit-of-Trans-Health-Benefits-Sept-2013.pdf>.

³⁴⁶ *Id.*; SEARS & MALLORY, *supra* note 344.

³⁴⁷ M.V. LEE BADGETT, LAURA DURSO, ANGELIKI KASTANIS, & CHRISTY MALLORY, WILLIAMS INST., THE BUSINESS IMPACT OF LGBT SUPPORTIVE WORKPLACE POLICIES (2013), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Business-Impact-LGBT-Policies-Full-May-2013.pdf>.

Figure IV.a. Number of Studies Conducted Prior to 2013 Showing Relationship between LGBT-Supportive Policies or Workplace Climates and Individual-Level Outcomes



A 2014 literature review of academic studies similarly concluded that LGBT-supportive policies have positive effects on LGBT employees in terms of mental health, workplace relationships, and job satisfaction.³⁴⁸ Many of the underlying studies included in the 2013 and 2014 literature reviews focused on three specific areas of the case for business diversity: employee recruitment, productivity/engagement, and retention. Studies focused on these outcomes have shown that:

Recruitment

- LGBT-supportive policies and workplace environments are important to LGBT employees when they are deciding where to work.³⁴⁹
- LGBT employees prefer to work in states with more supportive laws and social environments.³⁵⁰

³⁴⁸ Ozeren Emir, *Sexual Orientation Discrimination in the Workplace: A Systematic Review of Literature*, 109 *PROCEDIA – SOC. & BEHAV. SCI.* 1203, 1208-10 (2014).

³⁴⁹ Harris Interactive, *Majority of Americans Believe Gay and Lesbian Couples in Committed Relationships Should Receive Equal Workplace Benefits as Heterosexual Married Couples*, PRNEWswire.COM (Oct. 4, 2010), <http://www.prnewswire.com/news-releases/majority-of-americans-believe-gay-and-lesbian-couples-in-committed-relationships-should-receive-equal-workplace-benefits-as-heterosexual-married-couples-104293928.html>; SYLVIA ANN HEWLETT, TODD SEARS, KAREN SUMBERG & CHRISTINA FARGNOLI, *THE POWER OF “OUT” 2.0: LGBT IN THE WORKPLACE* 29 (2013).

³⁵⁰ Out & Equal et al., *Most Americans Say Employers Should Never Discriminate, Even on Religious Grounds*, HARRIS POLL (Oct. 30, 2014), http://media.theharrisroll.com/documents/FINAL_2014_Out_Equal_Workplace_Survey_Release_10.30.2014.pdf.

- Employers are more likely to cite problems with recruitment of LGBT employees when LGBT-supportive policies are not in place.³⁵¹
- Many non-LGBT jobseekers also value LGBT-supportive policies and practices,³⁵² particularly younger and more highly educated workers.³⁵³

Productivity/Engagement

- LGBT-supportive policies and supportive workplace environments are associated with less discrimination and a greater likelihood that LGBT people will be out at work. Both outcomes have been linked to greater workplace engagement, improved psychological health, increased productivity, and job satisfaction.³⁵⁴
- When LGBT employees are open about their sexual orientation or gender identity at work, teams that include both LGBT and non-LGBT workers may be more productive and more competent.³⁵⁵

Retention

- LGBT employees in supportive environments are more likely to say they are proud to work for their employer.³⁵⁶
- LGBT employees in unsupportive environments feel less committed to their jobs.³⁵⁷

³⁵¹ Russell Shrader, *Broadening Partner Benefits to Improve Recruitment and Retention among LGBT Employees in United States Institutions of Higher Education*, 40 PUBLIC ADMIN. Q. 180 (2016).

³⁵² SYLVIA ANN HEWLETT & KENJI YOSHINO, OUT IN THE WORLD: SECURING LGBT RIGHTS IN THE GLOBAL MARKET PLACE 20 (2016); Harris Interactive, *Majority of Americans Believe Gay and Lesbian Couples in Committed Relationships Should Receive Equal Workplace Benefits as Heterosexual Married Couples*, PRNEWswire.COM (Oct. 4, 2010), <http://www.prnewswire.com/news-releases/majority-of-americans-believe-gay-and-lesbian-couples-in-committed-relationships-should-receive-equal-workplace-benefits-as-heterosexual-married-couples-104293928.html>.

³⁵³ Andrew R. Flores, *Attitudes toward Transgender Rights: Perceived Knowledge and Secondary Interpersonal Contact* 3 POLITICS, GROUPS, AND IDENTITIES 398 (2015); Ilsa L. Lottes & Peter J. Kuriloff, *The Impact of College Experience of Political and Social Attitudes*, 31 SEX ROLES 31 (1994); *Gay Marriage*, PEWRESEARCH.ORG, <http://www.pewresearch.org/data-trend/domestic-issues/attitudes-on-gay-marriage/> (last visited May 3, 2016).

³⁵⁴ Yuan-Hui Tsai, Sheng-Wuu Joe, Wei-Te Liu, Chieh-Peng Lin, Chou-Kang Chiu & Chaio-Chih Tang, *Modeling Job Effectiveness in the Context of Coming Out as a Sexual Minority: A Socio-Cognitive Model*, 9 REV. MANAG. SCI. 197 (2015); SYLVIA ANN HEWLETT & KENJI YOSHINO, OUT IN THE WORLD: SECURING LGBT RIGHTS IN THE GLOBAL MARKET PLACE 20 (2016); BADGETT ET AL., *supra* note 347.

³⁵⁵ Benjamin A. Everly, Margaret J. Shih & Geoffrey C. Ho, *Don't Ask, Don't Tell? Does Disclosure of Gay Identity Affect Partner Performance?*, 48 J. EXPERIMENTAL SOCIAL PSYCH. 407, 409 (2012).; SYLVIA ANN HEWLETT & KENJI YOSHINO, OUT IN THE WORLD: SECURING LGBT RIGHTS IN THE GLOBAL MARKET PLACE 22, 63 (2016).

³⁵⁶ HEWLETT & YOSHINO, *supra* note 355 at 20.

³⁵⁷ Belle R. Ragins, Romila Singh, John M. Cornwell, *Making the Invisible Visible: Fear and Disclosure of Sexual Orientation at Work*, 92 J. APPLIED PSYCHOL. 1103, 1114 (2007); Scott B. Button, *Organizational Efforts to Affirm Sexual Diversity: A Cross-Level Examination*, 86 J. APPLIED PSYCHOL. 17, 23 (2001); IAN JOHNSON & DARREN COOPER, OUT NOW GLOBAL, LGBT DIVERSITY: SHOW ME THE BUSINESS CASE 4, 47 (2015), <http://www.outnowconsulting.com/media/13505/Report-SMTBC-Feb15-V17sm.pdf>; SYLVIA ANN HEWLETT & KAREN SUMBERG, THE POWER OF OUT (2011); DEENA FIDAS, LIZ COOPER & JENNA RASPANTI, HUMAN RIGHTS CAMPAIGN, THE COST OF THE CLOSET AND THE REWARDS OF INCLUSION 22 (2014), http://hrc-assets.s3-website-us-east-1.amazonaws.com/files/assets/resources/Cost_of_the_Closet_May2014.pdf; Janell L. Blazovich, Kristin A.

- When a worker leaves a job, costs include a loss in productivity due to the unfilled position, the costs of hiring and training a new employee, and lower initial rates of productivity of the new employee.³⁵⁸ A 2012 review of academic articles concluded that businesses spend about one-fifth of an employee's annual salary to replace a worker.³⁵⁹ This rate was very consistent for most types of workers, except for executives and highly skilled positions, which have much greater turnover costs – up to 213% of annual salary.³⁶⁰ Based on the average annual mean wage in Arizona,³⁶¹ public and private employers are at risk of losing approximately \$9,260, on average, for each employee who leaves the state or changes jobs because of the negative environment facing LGBT people.³⁶²

In addition, several studies have linked LGBT-supportive policies and workplace environments to bottom line gains, including improved productivity, profitability, and stock prices when compared to firms without such policies.³⁶³

This body of research suggests if Arizona were to move toward a more supportive legal landscape and social climate for LGBT people, public and private employers in the state would likely be able to more easily recruit employees from other places and retain current employees, and would likely see improvements in employee productivity.

Cook, Janet McDonald Huston, & William R. Strawser, Do Gay-Friendly Corporate Policies Enhance Firm Performance? 4 (Apr. 2013) (unpublished manuscript, available online).

³⁵⁸ HEATHER BOUSHEY & SARAH JANE GLYNN, CTR. FOR AM. PROGRESS, THERE ARE SIGNIFICANT BUSINESS COST TO REPLACING EMPLOYEES (2012), <https://www.americanprogress.org/issues/labor/report/2012/11/16/44464/there-are-significant-business-costs-to-replacing-employees/>.

³⁵⁹ *Id.*

³⁶⁰ *Id.*

³⁶¹ The annual mean wage in Arizona is \$46,290. May 2016 State Occupational Employment and Wage Estimates: Arizona, Bureau of Labor Stats, https://www.bls.gov/oes/current/oes_az.htm#00-0000 (last visited Feb. 23, 2018).

³⁶² Calculated by applying the average replacement cost of 20% annual salary to the average annual salary in Arizona. *Id.*; BOUSHEY & GLYNN, *supra* note 358.

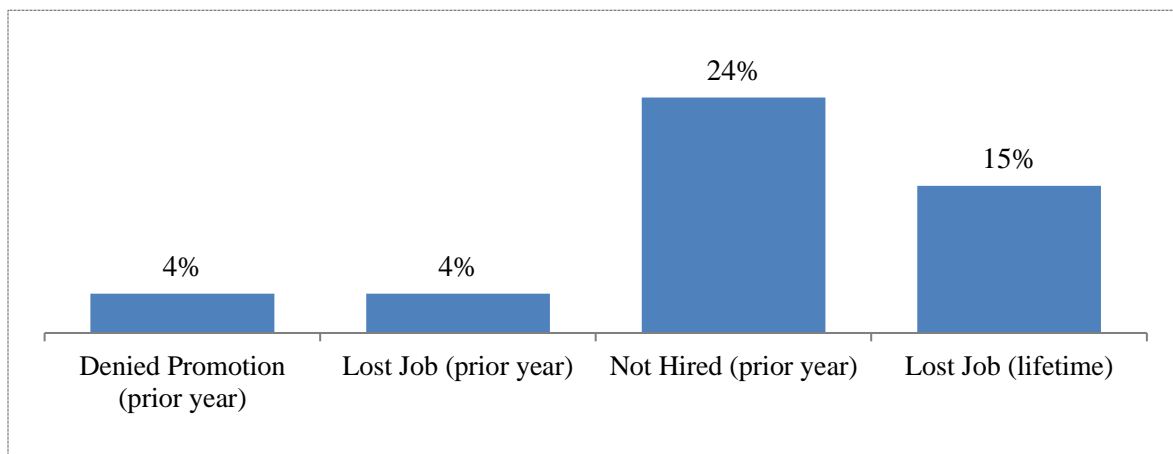
³⁶³ CREDIT SUISSE ESG RESEARCH, LGBT: THE VALUE OF DIVERSITY (2016), <http://www.slideshare.net/creditsuisse/lgbt-the-value-of-diversity> (finding that a basket of 270 companies supporting LGBT employees outperformed the market in terms of stock price, return on equity (ROE), cash flow returns, and economic profit generation, and that stocks of companies who have LGBT people in senior roles outperform those who do not); Feng Li and Venky Nagar, *Diversity and Performance*, 59 MGMT. SCI. 529 (2013) (finding improved operating returns on assets (ROA) after companies adopt domestic partner benefits for same-sex couples); Blazovich, Cook, Huston & Strawser, *supra* note 357 at 35-36 (Apr. 2013) (unpublished manuscript, available online) (finding that “firms with gay-friendly policies benefit on key factors of financial performance, which ... increase the investor perception of the firm as proxied by stock price movements.”). *See also* BADGETT ET AL., *supra* note 347 at 23 (“A ... study found that the more robust a company’s LGBT friendly policies, the better its stock performed over the course of four years (2002-2006), compared to other companies in the same industry over the same period of time.”); Garrett D. Voge, Investor Valuation: LGBTQ Inclusion and the Effect on a Firm’s Financials (unpublished manuscript, available at the University of Arizona Campus Repository) (2013), <http://arizona.openrepository.com/arizona/handle/10150/297778> (finding that institutional investors value LGBT-supportive corporate policies as evaluated by stock price increases after release of the LGBT Corporate Equality Index report by the Human Rights Campaign).

2. Illustration of Costs to Arizona Associated with Discrimination against Transgender Residents

As discussed above, discrimination in employment, housing, and other areas of life can result in LGBT people being unemployed, underemployed, underpaid, less productive, and more reliant on government benefits and social services. We used available data³⁶⁴ to estimate the fiscal impact of discrimination in one of many possible areas by estimating the costs associated with Medicaid participation that results from employment discrimination against transgender people in Arizona.

Figure IV.b. Discrimination in Employment on the Basis of Gender Identity among USTS Respondents in Arizona (n=537)

Source: U.S. Transgender Survey, 2015



Job loss, including due to anti-transgender bias, can result in economic insecurity and loss of a variety of benefits, such as health care coverage. People who experience job loss may become eligible for and enroll in Medicaid. Estimates from the Centers for Medicare and Medicaid Services find that as of November 2017, more than 1.7 million people were enrolled in Medicaid or the Children's Health Insurance Program (CHIP) in Arizona.³⁶⁵

³⁶⁴ We use prevalence findings from the U.S. Transgender Survey (USTS), coupled with estimates of the size of the transgender population in Arizona (reported in Section I.A.), to estimate the number of transgender adults in Arizona who have experienced anti-transgender bias in employment. SANDY JAMES ET AL., 2015 U.S. TRANSGENDER SURVEY 12 (2016), <http://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>. These findings are based on data generated from the 2015 U.S. Transgender Survey, which was conducted by the National Center for Transgender Equality. To find out more about the U.S. Transgender Survey, visit <http://www.ustranssurvey.org>. The USTS was based on a national convenience sample of 27,715 transgender and gender non-conforming people. Additional calculations for this report were completed by the authors at The Williams Institute. We use data from the Henry J. Kaiser Foundation to estimate state spending per Medicaid enrollee in Arizona. Henry J. Kaiser Family Foundation, Arizona: Medicaid Spending per Enrollee (Full or Partial Benefit), FY2014 <https://www.kff.org/medicaid/state-indicator/medicaid-spending-per-enrollee/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>.

³⁶⁵ Medicaid & CHIP in Arizona, Medicaid.gov, <https://www.medicaid.gov/medicaid/by-state/stateprofile.html?state=arizona> (last visited Feb. 23, 2018).

Based on findings from the U.S. Transgender Survey, we estimate that 17.0% of transgender adults in Arizona who have ever lost a job due to anti-transgender bias have enrolled only in Medicaid. An estimated 9.0% of transgender adults in Arizona who have never experienced such discrimination have enrolled only in Medicaid. We attribute the difference in Medicaid enrollment between these two groups (8.0%) to the elevated need for Medicaid coverage resulting from employment discrimination based on gender identity. Applying this figure (8.0%) to the population of transgender adults in Arizona who have ever held a job and then lost a job because of transgender bias, we estimate that 295 transgender Arizonans have enrolled in Medicaid because of employment discrimination based on gender identity.³⁶⁶ In 2014, average state spending per Medicaid enrollee in Arizona was approximately \$1,799.³⁶⁷ Next, we adjusted the state spending per Medicaid enrollee in Arizona in 2014 for inflation.³⁶⁸ In inflation-adjusted dollars, the state spending per Medicaid enrollee in Arizona in 2018 was \$1,906.³⁶⁹ Therefore, we estimate that employment discrimination experienced by transgender adults on the basis of gender identity costs Arizona approximately \$562,000 annually in state Medicaid expenditures.

C. Economic Impact of LGBT Health Disparities

Poor health “can affect people’s ability to be productive at work, reduce labor force participation when people cannot work, and burden public health care funds when individuals rely on emergency care rather than regular or preventative care.”³⁷⁰ For these reasons, poor health, in general, imposes costs on employers and governments.³⁷¹ When LGBT people experience poorer health outcomes than their non-LGBT counterparts, there are economic costs beyond those which would exist in the absence of the disparity. Thus, to the extent that factors contributing to LGBT health disparities can be reduced or eliminated, the economy will benefit.³⁷²

³⁶⁶ According to the USTS, 15.3 percent of transgender adults in Arizona who have ever worked at a job or business have experienced job loss due to anti-transgender bias. By applying this estimate to the number of transgender adults in Arizona who have ever worked at a job or business (an estimated 78.9 percent of the population of transgender adults in Arizona, or 24,104), it is possible to estimate the number who have lost a job because of anti-transgender bias (3,688). Multiplying this figure by 8.0 percent yields 295 transgender adults who have enrolled in Medicaid due to job loss resulting from anti-transgender bias in Arizona.

³⁶⁷ Medicaid per enrollee figure available at Henry J. Kaiser Family Foundation, Arizona: Medicaid Spending per Enrollee (Full or Partial Benefit), FY2014 <https://www.kff.org/medicaid/state-indicator/medicaid-spending-per-enrollee/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D> (last accessed February 12, 2018). Further calculations to determine the state proportion of expenditures, based off the 2014 Federal Medical Assistance Percentage or FMAP (67.23%), were conducted by the authors. It is unclear how changes since 2014 have impacted the per-enrollee state expenditure for Medicaid. Arizona adopted Medicaid expansion under the Patient Protection and Affordable Care Act (ACA) in 2013 prior to data collection in the USTS.

³⁶⁸ To adjust for inflation, we used the U.S. Bureau of Labor Statistics’ inflation calculator available at CPI Inflation Calculator, U.S. Bureau of Labor Stats., <http://data.bls.gov/cgi-bin/cpicalc.pl> (last visited Feb. 22, 2018).

³⁶⁹ We assume that the costs associated with Medicaid enrollment would be the same in 2018 as they were in 2014 (adjusted for inflation). It is unclear how changes since 2014 have impacted the per-enrollee state expenditure for Medicaid.

³⁷⁰ M.V. LEE BADGETT, SHEILA NEZHAD, KEES WAALDIJK & YANA VAN DER MEULEN RODGERS, *supra* note 323.

³⁷¹ *Id.*

³⁷² *Id.*

To illustrate the cost savings that would result from eliminating health disparities facing LGBT people in Arizona, we follow a model used by Canadian research organization Community – University Institute for Social Research (CUISR). CUISR estimated the costs associated with LGBT health disparities in Canada through a four-step method:

- Determining prevalence for health outcomes for LGB and non-LGB populations.
- Subtracting the prevalence for non-LGB populations from that for LGB populations.
- Multiplying the difference in prevalence by the total LGB population to determine the number of LGB people who would have not had those health outcomes if the rates were the same.
- Multiplying the excess number of LGB people with each health outcome by the annual cost per affected person associated with the outcome as drawn from existing research.

In this report, we used CUISR’s method to estimate the costs associated with higher prevalence of two health outcomes on which LGB and non-LGB show statistically significant differences—major depressive disorder and smoking. To the extent possible, we used data on these health outcomes and related costs specific to Arizona. Where we could not find reliable cost data for these health outcomes at the state-level, we used national data as a proxy. Given the limited data we have about health outcomes for transgender people nationally or in Arizona, we assume for purposes of our analysis that transgender people have the same rates of the health conditions described below as LGB people. The available research on health outcomes for transgender people indicates that this is a conservative assumption.³⁷³

Since there are a variety of factors leading to each disparity, we assume that improving the laws and social climate of Arizona for LGBT people would reduce observed disparities by a fraction. This is consistent with the 2009 Hatzenbuehler et al. study described above, in which health disparities for LGB people related to mood and alcohol use disorder were lower in states with more supportive laws, but were still present.³⁷⁴

Specifically, we assume that a range of a 25% to 33.3% reduction in the *disparity* between LGB and non-LGB people on each outcome could be achieved if the state were to move towards extending legal protections and improving the social climate for LGBT people. This range is a conservative assumption based on our review of the best available research on LGB-health disparities in LGBT-supportive and unsupportive environments including the 2009 and 2010 Hatzenbuehler et al. studies.

Further, we note that there may be significant overlap in the costs that we estimate because some people may, for example, have been both diagnosed with depression and currently smoke, and

³⁷³ E.g., George R. Brown & Kenneth T. Jones, *Mental Health and Medical Health Disparities in 5135 Transgender Veterans Receiving Healthcare in the Veterans Health Administration: A Case-Control Study*, 3 LGBT HEALTH 122 (2016).

³⁷⁴ Hatzenbuehler, Keyes & Hasin, *supra* note 278 at 2277.

the costs associated with each condition may overlap. For this reason, our estimates are not intended to be cumulative, but rather to illustrate that significant cost savings could result if the disparity observed for any one of these health outcomes were reduced.

1. Excess Costs Associated with LGBT Major Depressive Disorder

In order to best estimate the annual costs associated with Major Depressive Disorder (MDD), we rely on data from the National Epidemiologic Survey on Alcohol and Related Conditions (NESARC), a general population study with a large, nationally representative sample of adults. An analysis of 2004-2005 NESARC data found that, nationally, 18.0% of LGB respondents had major depressive disorder in the 12 months prior to the survey, compared to 8.1% of non-LGB respondents.³⁷⁵ Given the limited data about MDD among transgender people, we assume for purposes of our analysis that transgender people have the same rate of MDD as LGB people. The available research on health outcomes for transgender people indicates that this is a conservative assumption.³⁷⁶

Applying the percentage of excess prevalence of MDD among LGB people (18.0% - 8.1% = 9.9%) to Arizona's adult LGBT population (an estimated 203,000 adults)³⁷⁷ indicates that there are approximately 20,100 more LGBT adults who have MDD in Arizona than would be expected in the general population. As shown in Table IV.a., we further estimate that if 25% to 33.3% of the sexual orientation and gender identity disparity were reduced by improving the social climate for LGBT people, there would be between 5,000 and 6,700 fewer LGBT people living with MDD in the state.

To estimate the annual cost per person suffering from MDD, we drew from a 2015 study, *The Economic Burden of Adults with Major Depressive Disorder in the United States (2005 and 2010)*.³⁷⁸ The study found that the annual total cost of MDD, nationwide, in 2010 was \$210.5 billion. The costs included loss of productivity in the workplace, absenteeism from work, costs for medical and pharmaceutical services, and suicide-related costs. In order to determine the cost

³⁷⁵ *Id.* at 2279. For an explanation of how major depressive disorder is determined on the NESARC see U.S. ALCOHOL EPIDEMIOLOGIC DATA REFERENCE MANUAL, ALCOHOL USE AND ALCOHOL USE DISORDERS IN THE UNITED STATES, A 3-YEAR FOLLOW-UP: MAIN FINDINGS FROM THE 2004-2005 WAVE 2 NATIONAL EPIDEMIOLOGIC SURVEY ON ALCOHOL AND RELATED CONDITIONS (NESARC), 19 (2010), https://pubs.niaaa.nih.gov/publications/NESARC_DRM2/NESARC2DRM.pdf.

³⁷⁶ *E.g.*, George R. Brown & Kenneth T. Jones, *Mental Health and Medical Health Disparities in 5135 Transgender Veterans Receiving Healthcare in the Veterans Health Administration: A Case-Control Study*, 3 LGBT HEALTH 122 (2016).

³⁷⁷ See Section I.A.1, *supra*.

³⁷⁸ Paul E. Greenberg et al., *The Economic Burden of Adults with Major Depressive Disorder in the United States (2005 and 2010)*, 76 J. CLIN. PSYCHIATRY 155 (2015). Greenberg et al. used data from the National Survey on Drug Use and Health to identify people who met the diagnostic criteria for a major depressive episode within the past year. The cost estimates are largely based on medical claims filed by those who had been diagnosed with major depressive disorder (and compared to a control group). Similarly, the prevalence of MDD we use for our estimates was determined by identifying individuals who met the diagnostic criteria for MDD in data collected by the NESARC. All cost data used in our estimates are drawn directly from the calculations made by Greenberg et al.

per person with MDD, we divided the total cost by the number of adults with the condition in 2010.³⁷⁹ Next, we adjusted the cost per person with MDD in 2010 for inflation.³⁸⁰ In inflation-adjusted dollars, the 2018 cost per person with MDD was \$15,591.91.³⁸¹

For the reasons described above, we estimate that Arizona may be able to reduce the disparity in MDD between LGBT and non-LGBT people by 25% to 33.3% by taking measures to improve legal protections for LGBT people. Applying this range would mean an eventual annual reduction in costs associated with MDD in Arizona of approximately \$78.0 to \$104.5 million.

Table IV.a. Reduction in Costs Associated with MDD in Arizona if LGBT Disparity Were Reduced

Reduction in disparity between LGBT and Non-LGBT Floridians	LGBT individuals impacted	Annual reduction in costs (millions)
25%	5,000	\$78.0
33.3%	6,700	\$104.5

2. Excess Costs Associated with LGBT Smoking

Our analysis of Arizona’s 2012 BRFSS data found that 27.6% of LGB respondents were current smokers, compared to 16.4% of non-LGB respondents. Applying the percentage (11.2%) of excess prevalence of smoking among LGB people in Arizona to the state’s LGBT population (203,000 adults)³⁸² indicates that there are approximately 22,700 more people who currently smoke in Arizona than would be expected in the general population.

A 2010 study estimated the annual costs per current smoker in Arizona to be \$5,456.83.³⁸³ The total included costs from workplace productivity losses (\$1,019.84), medical care costs (\$2,195.09), and premature death (\$2,241.90).³⁸⁴ We adjusted for inflation³⁸⁵ to estimate that the 2018 cost per current smoker in Arizona is \$6,242.04.

For the reasons described above, we estimate that Arizona may be able to reduce the disparity in current smoking between LGBT and non-LGBT people by 25% to 33.3% by taking measures to

³⁷⁹ The study found that, in 2010, 15,446,771 adults in the U.S. suffered from major depressive disorder. *Id.* Dividing the total cost (\$210,548,000,000) by the number of sufferers (15,446,771) indicates that the cost per sufferer was \$13,630.55 in 2010.

³⁸⁰ To adjust for inflation, we used the U.S. Bureau of Labor Statistics’ inflation calculator available at CPI Inflation Calculator, U.S. Bureau of Labor Stats., <http://data.bls.gov/cgi-bin/cpicalc.pl> (last visited Feb. 22, 2018).

³⁸¹ We assume that the costs associated with depression would be the same in 2018 as they were in 2010 (adjusted for inflation).

³⁸² See Section I.A. *supra*.

³⁸³ JILL S. RUMBERGER, CHRISTOPHER S. HOLLENBEAK, & DAVID KLINE, POTENTIAL COSTS OF SMOKING CESSATION: AN OVERVIEW OF THE APPROACH TO STATE SPECIFIC ANALYSIS (2010), available at <http://www.lung.org/assets/documents/tobacco/economic-benefits.pdf>.

³⁸⁴ *Id.* at 168-69.

³⁸⁵ To adjust for inflation, we used the U.S. Bureau of Labor Statistics’ inflation calculator available at U.S. Bureau of Labor Stats., CPI Inflation Calculator, <http://data.bls.gov/cgi-bin/cpicalc.pl> (last visited Nov. 23, 2016).

improve legal protections for LGBT people. Applying this range would mean an eventual annual reduction in costs associated with smoking in Arizona of approximately \$35.6 to \$47.4 million.

Table IV.b. Reduction in Costs Associated with Smoking in Arizona if LGBT Disparity Were Reduced or Eliminated

Reduction in disparity between LGBT and Non-LGBT Arizonans	LGBT individuals impacted	Annual reduction in costs (millions)
25%	5,700	\$35.6
33.3%	7,600	\$47.4

If Arizona were to extend legal protections to LGBT people and if social acceptance of LGBT increased, the state would likely see improvements in the health of LGBT people. Furthermore, consideration of just two health disparities for LGBT people in the state – MDD and smoking – suggests that Arizona would see millions of dollars in returns on both savings associated with reduced health care and social service costs and in greater productivity.

D. Economic Impact of Bullying and Family Rejection of LGBT Youth

School-based bullying of LGBT youth is pervasive³⁸⁶ and associated with an increased likelihood of school dropout,³⁸⁷ poverty,³⁸⁸ and suicide.³⁸⁹ Educational attainment, especially high school completion, is a significant determinant of economic status and health across the life course.³⁹⁰ As a result, early experiences of harassment may not only shape the economic lives of LGBT people, but also have a negative effect on a state’s economy. As the authors of the USAID and Williams Institute study explained, “education discrimination excludes LGBT students from

³⁸⁶ See, e.g., Kate L. Collier, Gabriël van Beusekom, Henny M.W. Bos & Theo G.M. Sandfort, *Sexual Orientation and Gender Identity/Expression Related Peer Victimization in Adolescence: A Systematic Review of Associated Psychological and Health Outcomes*, 50 J. SEX ROLES 299 (2013); Elise D. Berlan et al., *Sexual Orientation and Bullying among Adolescents in the Growing Up Today Study*, 46 J. ADOLESCENT HEALTH 366 (2010); Laura Kann et al., *Sexual Identity, Sex of Sexual Contacts, and Health-Risk Behaviors Among Students in Grades 9–12 — Youth Risk Behavior Surveillance, Selected Sites, United States, 2001–2009*, 60 MORBIDITY AND MORTALITY WEEKLY REPORT 1, 11 (2011); JOSEPH G. KOSCIW ET AL., GLSEN, THE 2015 NATIONAL SCHOOL CLIMATE SURVEY: THE EXPERIENCES OF LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER YOUTH IN OUR NATION’S SCHOOLS (2015), available at

<https://www.glsen.org/sites/default/files/2015%20National%20GLSEN%202015%20National%20School%20Climate%20Survey%20%28NSCS%29%20-%20Full%20Report.pdf>; EMILY A. GREYTAK, JOSEPH G. KOSCIW & ELIZABETH M. DIAZ, GLSEN, HARSH REALITIES: THE EXPERIENCES OF TRANSGENDER YOUTH IN OUR NATION’S SCHOOLS (2009), available at <http://www.teni.ie/attachments/c95b5e6b-f0e6-43aa-9038-1e357e3163ea.PDF>; Toomey & Russell, *supra* note 166.

³⁸⁷ Jorge Sraibstein & Thomas Piazza, *Public Health, Safety and Educational Risks Associated with Bullying Behaviors in American Adolescents*, 20 INT. J. ADOLESCENT MED. HEALTH 223 (2008).

³⁸⁸ Sarah Brown & Karl Taylor, *Bullying, Education and Earnings: Evidence from the National Child Development Study*, 27 ECONOMICS EDUC. REV. 387 (2008).

³⁸⁹ Young Shin Kim & Bennett Leventhal, *Bullying and Suicide. A Review*, 20 INT. J. ADOLESCENT MED. HEALTH 133 (2008).

³⁹⁰ John Lynch & George Kaplan, *Socioeconomic Factors*, in SOCIAL EPIDEMIOLOGY 13 (Lisa F. Berkman & Ichiro Kawachi, eds., 2000).

opportunities to increase their human capital (that is, their knowledge and skills) and to be employed in higher-skilled jobs that contribute to overall economic productivity.”³⁹¹

Laws in Arizona do not adequately protect LGBT youth from bullying in schools.³⁹² To the extent the state’s legal landscape and social climate foster an environment that is not inclusive of LGBT youth, the state is likely to experience losses in human capital, as well as costs associated with an overrepresentation of LGBT youth in foster care, the juvenile justice system, and among the homeless. This section reviews research that links negative outcomes for LGBT youth to future reductions in economic output.

1. School Outcomes

Research shows that bullying can lead to skipping school and low academic performance among LGBT youth. Several studies, relying on representative samples of youth, found that LGB students were more likely than non-LGB students to skip school as a result of feeling unsafe. According to 2015 YRBS data, LGB students in Arizona were more than twice as likely as non-LGB students to report skipping school because they felt unsafe (13% v. 5%).³⁹³ Similarly, a 2014 analysis of pooled YRBS data from 13 sites found that LGB³⁹⁴ high school students reported significantly higher rates of skipping school because they felt unsafe.³⁹⁵ And, a 2011 analysis of national YRBS data collected from 2001 through 2009 found that, on average, LGBQ students were almost three times as likely to report not going to school because of safety concerns as their non-LGBQ counterparts.³⁹⁶

Studies based on convenience samples also indicate that many LGBT youth skip school due to bullying and harassment. A 2009 report by the National Education Association found that, nationwide, approximately half of LGBT students who said that they experienced frequent or severe verbal harassment because of their sexual orientation or gender identity missed school at least once a month, and around 70% who said they experienced frequent or severe physical harassment missed school more than once a month.³⁹⁷ The report also found that LGBT youth were almost twice as likely to consider dropping out of school as their non-LGBT peers.³⁹⁸ In

³⁹¹ M.V. LEE BADGETT, SHEILA NEZHAD, KEES WAALDIJK & YANA VAN DER MEULEN RODGERS, *supra* note 323 at 26.

³⁹² See Section I.B., *supra*.

³⁹³ Kann et al., *supra* note 24.

³⁹⁴ The study defined LGB students as those students who reported in response to the survey that they had sexual contact with others of the same-sex or both same-sex and different sex-partners. Stephen T. Russell, Bethany G. Everett, Margaret Rosario & Michelle Birkett, *Indicators of Victimization and Sexual Orientation among Adolescents: Analyses from Youth Risk Behavior Surveys*, 104 AM. J. PUBLIC HEALTH, 255, 256 (2014).

³⁹⁵ *Id.*

³⁹⁶ Kann et al., *supra* note 24 at 12.

³⁹⁷ ROBERT KIM, NATIONAL EDUC. ASSN., REPORT ON THE STATUS OF GAY, LESBIAN, BISEXUAL AND TRANSGENDER PEOPLE IN EDUCATION: STEPPING OUT OF THE CLOSET, INTO THE LIGHT 30 (2009), <http://www.nea.org/assets/docs/HE/glbstatus09.pdf>.

³⁹⁸ *Id.*

response to the 2015 U.S. Transgender Survey, of those respondents from Arizona who were out as transgender or perceived to be transgender in school, 17% said they faced such severe mistreatment that they had to leave school as a result.³⁹⁹ Other studies have found that bullying of LGBT youth is related to poorer academic performance and higher rates of absenteeism.⁴⁰⁰

2. Overrepresentation in Foster Care, Juvenile Justice System, and Among the Homeless Population

Challenging environments at home and at school contribute to an overrepresentation of LGBT youth in the child welfare system, the youth homeless population, and the juvenile justice system.

In addition to the human toll, there are direct costs to the government and social service systems created by the overrepresentation of LGBT youth in these systems.⁴⁰¹ LGBT youth are overrepresented in the foster care system; 19% of youth in foster care in Los Angeles County are LGBT, 2-3 times their proportion of the general youth and young adult population.⁴⁰² Research suggests that LGBT youth are more likely to experience housing instability while in foster care than non-LGBT youth.⁴⁰³ And, while some of those who age out of foster care transition successfully into adulthood, many do not.

Of those who age out of foster care: more than 1 in 5 will become homeless after age 18; 1 in 4 will be involved in the justice system within two years of leaving the foster care system; only 58% will graduate high school by age 19 (compared to 87% of all 19 year olds); fewer than 3%

³⁹⁹ THE NATIONAL CENTER FOR TRANSGENDER EQUALITY & ONE COMMUNITY, *supra* note 109.

⁴⁰⁰ E.g., Joseph P. Robinson & Dorothy L. Espelage, *Bullying Explains Only Part of LGBTQ-Heterosexual Risk Disparities: Implications for Policy and Practice*, 41 EDUC. RESEARCHER 309 (2012); Alicia L. Fedewa & Soyeon Ahn, *The Effects of Bullying and Peer Victimization on Sexual-Minority and Heterosexual Youths: A Quantitative Meta-Analysis of the Literature*, 7 J. GLBT FAMILY STUDIES 398 (2011); Shelley L. Craig & Mark S. Smith, *The Impact of Perceived Discrimination and Social Support on the School Performance of Multiethnic Sexual Minority Youth*, YOUTH SOC'Y 1 (2011); ELIZABETH M. DIAZ & JOSEPH G. KOSCIW, GLSEN, SHARED DIFFERENCES: THE EXPERIENCES OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER STUDENTS OF COLOR IN OUR NATION'S SCHOOLS (2009), <https://www.glsen.org/sites/default/files/Shared%20Differences.pdf>; MASS. DEP'T OF EDUC., MASSACHUSETTS HIGH SCHOOL STUDENTS AND SEXUAL ORIENTATION: RESULTS OF THE 2009 YOUTH RISK BEHAVIOR SURVEY, <http://www.mass.gov/cgly/YRBS09Factsheet.pdf> (last visited May 3, 2016); Jennifer Pearson, Chandra Muller & Lindsey Wilkinson, *Adolescent Same-Sex Attraction and Academic Outcomes: The Role of School Attachment and Engagement*, 54 SOC. PROBLEMS 523 (2007); Stephen T. Russell, Hinda Seif & Nhan L. Truong, *School Outcomes of Sexual Minority Youth in the United States: Evidence from a National Study*, 24 J. ADOL. 111 (2001).

⁴⁰¹ For an example of costs to the foster care system due to the overrepresentation of LGBT youth in foster care, and their increased likelihood of having multiple placements and being in congregate care, see BIANCA D.M. WILSON, KHUSH COOPER, ANGELIKI KASTANIS & SHEILA NEZHAD, WILLIAMS INST., SEXUAL & GENDER MINORITY YOUTH IN LOS ANGELES FOSTER CARE: ASSESSING DISPROPORTIONALITY AND DISPARITIES IN LOS ANGELES 41 (2014).

⁴⁰² *Id.* at 6.

⁴⁰³ *Id.* (finding that LGBTQ youth in foster care have a higher total number of placements, are more likely to be in congregate care, and are more likely to have experienced homelessness).

will earn a college degree by age 25 (compared to 28% all 25 year olds); and at the age of 24, only half will be employed.⁴⁰⁴

In response to surveys conducted in 2012 and 2015, homeless youth service providers across the U.S. estimated that between 20% and 40% of their clients were LGBT.⁴⁰⁵ A 2011 study of youth in Massachusetts found that approximately 25% of lesbian and gay youth, and 15% of bisexual youth in public high school, were homeless, compared to 3% of heterosexual youth.⁴⁰⁶ Similarly, a 2015 survey of homeless youth in Atlanta, Georgia, found that 28.2% of the respondents identified as LGBT.⁴⁰⁷

Data from the National Survey of Youth in Custody indicates that 12.2% of youth in custody identify as LGBT.⁴⁰⁸ Another study found that LGBT youth made up 15% of detained youth.⁴⁰⁹ Studies have shown that LGBTQ youth are more likely to be detained for offenses such as running away, truancy, curfew violations, and “ungovernability”—charges that can indicate problems with bullying in school and family rejection.⁴¹⁰ Research also shows that in some instances, LGBT youth have been punished for defending themselves against their harassers,⁴¹¹ and there is evidence of selective enforcement against LGBT youth.⁴¹²

⁴⁰⁴ JIM CASEY YOUTH OPPORTUNITIES INITIATIVE, ISSUE BRIEF: COST AVOIDANCE: THE BUSINESS CASE FOR INVESTING IN YOUTH AGING OUT OF FOSTER CARE 5 (2013), <http://www.jimcaseyyouth.org/sites/default/files/Cost%20Avoidance%20Issue%20Brief%20EMBARGOED%20until%20May%202016.pdf>.

⁴⁰⁵ LAURA DURSO & GARY J. GATES, WILLIAMS INST., SERVING OUR YOUTH: FINDINGS FROM A NATIONAL SURVEY OF SERVICES PROVIDERS WORKING WITH LESBIAN, GAY, BISEXUAL AND TRANSGENDER YOUTH WHO ARE HOMELESS OR AT RISK OF BECOMING HOMELESS 3 (2012), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Serving-Our-Youth-June-2015.pdf>; SOON KYU CHOI, BIANCA D.M. WILSON, JAMA SHELTON & GARY J. GATES, WILLIAMS INST., SERVING OUR YOUTH 2015: THE NEEDS AND EXPERIENCES OF LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUESTIONING YOUTH EXPERIENCING HOMELESSNESS (2015), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Serving-Our-Youth-June-2015.pdf>. See also WILSON ET AL., *supra* note 401.

⁴⁰⁶ Heather L. Corliss, Carol S. Goodenow, Lauren Nichols & S. Bryn Austin, *High Burden of Homelessness among Sexual-Minority Adolescents: Findings from a Representative Massachusetts High School Sample*, 9 AM. J. PUB. HEALTH 1683 (2011).

⁴⁰⁷ AYCNA 2016 Key Findings, Atlanta Youth Count, <http://atlantayouthcount.weebly.com/2016-key-findings.html> (last visited Nov. 29, 2016).

⁴⁰⁸ ALLEN J. BECK & DAVID CANTOR, BUREAU OF JUSTICE STATS., U.S. DEP'T OF JUSTICE, SEXUAL VICTIMIZATION IN JUVENILE FACILITIES REPORTED BY YOUTH, 2012 at 20 (2013), <http://www.bjs.gov/content/pub/pdf/svjfry12.pdf>.

⁴⁰⁹ Laura Garnette et al., *Lesbian, Gay, Bisexual, and Transgender (LGBT) Youth and the Juvenile Justice System*, in JUVENILE JUSTICE: ADVANCING RESEARCH, POLICY, AND PRACTICE 162 (Francine T. Sherman & Francine H. Jacobs eds., 2011).

⁴¹⁰ KATAYOON MAJD, JODY MARKSAMER & CAROLYN REYES, HIDDEN INJUSTICE: LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH IN JUVENILE COURTS 71 (2009), http://www.nclrights.org/wp-content/uploads/2014/06/hidden_injustice.pdf; SHANNAN WILBER, CAITLIN RYAN & JODY MARKSAMER, CHILD WELFARE LEAGUE OF AMERICA, BEST PRACTICE GUIDELINES FOR SERVING LGBT YOUTH IN OUT-OF-HOME CARE 4 (2006), <http://familyproject.sfsu.edu/sites/sites7.sfsu.edu/familyproject/files/bestpracticeslgbtyouth.pdf>.

⁴¹¹ MAJD ET AL., *supra* note 410 at 77.

⁴¹² Katherine E. W. Himmelstein & Hannah Bruckner, *Criminal-Justice and School Sanctions against Non-Heterosexual Youth: A National Longitudinal Study*, 127 PEDIATRICS 49 (2011).

Collectively, school-based harassment and family rejection contribute to significant “welfare and Medicaid costs, the cost of incarceration, lost wages and other significant costs to individuals and to society.”⁴¹³ For example, nationally, the Jim Casey Foundation estimates that homelessness, juvenile justice involvement, and poor educational and employment outcomes cost nearly \$8 billion per cohort of youth aging out of foster care each year. The best available data suggest that LGBT youth make up one-fifth, if not more, of each annual cohort.

CONCLUSION

Arizona’s legal landscape and social climate contribute to an environment in which LGBT adults experience stigma and discrimination in employment and other areas, and LGBT youth experience bullying in schools and family rejection. Such experiences have a negative impact on LGBT individuals in terms of health and economic stability, which in turn have economic consequences for the state. If Arizona were to take steps toward a more supportive legal landscape and social climate, the state’s economy would likely benefit.

⁴¹³ *Id.*