

# PREEMPTING LGBTQ+ RIGHTS:

## How States Undermine Local Leadership and Innovation on LGBTQ+ Equality

Authored by Jesse Workman,  
Senior Staff Attorney, A Better Balance

July 2026

### Summary of Findings

The fight over LGBTQ+ rights has entered a new phase. As the federal government rolls back LGBTQ+ protections and anti-LGBTQ+ rhetoric becomes more prominent in national politics, cities and counties have become an increasingly important line of defense for LGBTQ+ people and their families.

But just as local leaders are stepping up to protect their communities, many state legislatures are moving to stop them. Beyond simply passing restrictive state laws, lawmakers are increasingly using “preemption” — state laws that block local governments from acting — to prevent cities and counties from adopting or enforcing LGBTQ+ protections. The effects of taking decision making away from local communities and concentrating power at the state and/or federal level has been discussed in the context of other policy issues, but rarely when it comes to the rights of LGBTQ+ individuals. Preemption is actively and insidiously reshaping the landscape of LGBTQ+ rights and reversing earlier wins.

This analysis updates a 2024 report by A Better Balance, Equality Federation, and Local Solutions Support Center, [“Preempting LGBTQ+ Rights: How States Undermine Local Leadership and Innovation on LGBTQ+ Equality.”](#) by examining 200 anti-LGBTQ+ bills introduced during the 2025 and 2026 legislative sessions. The original report traced the local roots of LGBTQ+ equality in the United States and documented the ways states have used abusive preemption to erode LGBTQ+ protections and target local authority. Since the publication of that report, states have continued to refine, escalate, and expand abusive preemptive strategies.

In the last two years, abusive preemption bills have been introduced in 48 states that would limit the ability of cities and counties from protecting their LGBTQ+ residents in different ways. The vast majority of these bills target transgender and nonbinary people specifically.

# Key Takeaways

Together, these bills reveal the continuation and escalation of a troubling trend: states are increasingly using preemption to dismantle protections, erase recognition of transgender and nonbinary people, and block local governments from responding to the needs of their residents.

**In the last two years, anti-LGBTQ+ preemption bills were introduced in 48 states<sup>1</sup>, escalating attacks on local LGBTQ+ protections.** Rather than allowing communities to respond to local needs, lawmakers are increasingly pushing legislation and passing laws that prevent cities and counties from protecting LGBTQ+ residents.

**Transgender and nonbinary people are the primary target.** Over 90 percent of these preemption bills focus on restricting the rights, recognition, and everyday lives of transgender and nonbinary people through measures targeting access to healthcare, access to information and support in schools, name and pronoun usage, family law, nondiscrimination protections, participation in sports, and access to bathrooms and other sex-segregated facilities. This marks a dangerous increase in a time where transgender rights are already being dismantled at alarming rates.

**Transgender youth are under attack.** Sixty-nine percent of the anti-LGBTQ+ preemption bills we tracked target transgender and nonbinary young people through restrictions on sports, bathrooms, healthcare, names and pronouns, school policies, and family law. Many of these bills cut off support for transgender students, punishing schools and school employees if they honor a trans student's name and pronouns or attempt to help students find support, and creating forced outing mandates framed as "parents' rights." In 2025 and 2026, Indiana, Montana, North Dakota, Texas, West Virginia, and Tennessee all passed versions of these laws—largely under the radar—at the same time as an across-the-board dismantling of transgender rights is happening at the federal level.



**Iowa set a dangerous new precedent on gender identity nondiscrimination.** In 2025, Iowa became the first state to remove gender identity from its civil rights law. The following year, it prohibited local governments from maintaining or enacting gender identity nondiscrimination protections for LGBTQ+ residents across the state—leaving thousands of Iowans without local safeguards against discrimination. This unprecedented action will harm Iowans and sets a concerning example for other states.

**States are expanding efforts to erase LGBTQ+ visibility.** Utah and Idaho recently passed laws banning Pride flags from public buildings, and other states are seeking to follow suit. States are also continuing to restrict public expressions of LGBTQ+ identity through bills aimed at prohibiting drag performances, like recently passed Oklahoma HB 1217. States like Arizona, Missouri, Texas, and Georgia are also seeking to limit access to LGBTQ+ inclusive books and information by introducing bills aimed at curtailing the authority of public libraries to select their own materials.

1. Of the 200 bills tracked and reviewed by The Local Solutions Support Center, Equality Federation, and A Better Balance, anti-LGBTQ+ preemption bills were introduced during this period in every state except Vermont and Hawaii.

## Key Trends Snapshot:

### A Breakdown of the 200 Anti-LGBTQ+ State Preemption Bills Tracked in the 2025 and 2026 Legislative Sessions

|                                                                                     | Bill Category                                                                                                                                                                                                                                                     | Total Bills | States Introduced |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------------|
|    | <b>Anti-LGBTQ+ Preemption Focused on Students Generally:</b><br>Bills broadly targeting transgender and nonbinary youth in schools                                                                                                                                | 134         | 38                |
|    | <b>Sports Bans:</b> Bills that specifically target transgender students' ability to participate in school athletics (Note: 50 of the 53 sports bans focus on school athletics and are included in the Anti-LGBTQ+ Preemption Focused on Students category above.) | 53          | 23                |
|    | <b>Access to Bathrooms and Other Facilities:</b> Bills that would exclude transgender and nonbinary people from public life by enforcing sex-segregation and excluding transgender and nonbinary people in bathrooms and other facilities                         | 19          | 14                |
|  | <b>Legal Definitions of Sex:</b> Bills that would define sex under state law in ways that prohibit recognition of transgender and nonbinary people                                                                                                                | 10          | 8                 |
|  | <b>Pride Flag Bans:</b> Bills that would ban pride flags and their use by government entities (including, in some cases, schools), targeting symbols of LGBTQ+ pride and visibility                                                                               | 10          | 9                 |
|  | <b>Drag Bans:</b> Bills that would have the effect of limiting or banning drag performances                                                                                                                                                                       | 9           | 3                 |
|  | <b>Family Law:</b> Bills that would establish that refusal to support a transgender child's identity cannot be used in family court proceedings to support a custody or abuse and neglect decision                                                                | 6           | 4                 |
|  | <b>Limiting the Authority of Public Libraries:</b> Bills that would curtail libraries from selecting their own materials and effectively limit access to LGBTQ+ information                                                                                       | 4           | 4                 |
|  | <b>Rolling Back and Limiting Nondiscrimination Protections:</b><br>Bills that would explicitly preempt local LGBTQ+ nondiscrimination protections                                                                                                                 | 3           | 2                 |

## Why It Matters

The rapid rise of anti-LGBTQ+ preemption in recent years marks a fundamental shift in how attacks on LGBTQ+ rights are unfolding. Increasingly, states are not only restricting the rights of LGBTQ+ people, they are also preventing local communities from choosing a different path.

This strategy has consequences far beyond individual policies. It strips cities and counties of their ability to respond to local needs, weakens one of the country's most important engines of civil rights progress, and leaves LGBTQ+ people with fewer places to turn when state and federal protections disappear. At a moment when federal protections are increasingly uncertain and anti-LGBTQ+ legislation continues to accelerate, local governments should be able to strengthen protections—not be prohibited from providing them.

The stakes extend beyond LGBTQ+ rights. They raise a broader question about who gets to shape the communities where people live: state politicians or the local leaders elected to represent them. As this report shows, the future of LGBTQ+ equality is increasingly tied to the future of local democracy itself.

## A New Federal Landscape and the Growing Harm of LGBTQ+ Preemption

The Trump Administration's rapid dismantling of LGBTQ+ protections through executive orders, rollbacks on civil rights protections, the use of federal funding as a coercive tool, and a nationwide narrative attack on LGBTQ+ people in public discourse have placed more pressure on local governments to enforce existing legislation and enact new policies that safeguard LGBTQ+ individuals and families in schools, workplaces, and public life.<sup>2</sup> Against this concerning federal landscape, the call for local governments to protect LGBTQ+ individuals is especially urgent in conservative states where anti-LGBTQ+ state laws have been in place for years and continue to grow more restrictive. Abusive state preemption has become a key tool for states seeking to dismantle local protections, and since this report was issued in 2024, there has been a notable increase in sweeping and harmful legislation intended to restrict and eliminate local authority to support and protect LGBTQ+ individuals and communities.



Legislation intended to ban pride flags, longstanding symbols of LGBTQ+ communities, has been on the rise in the last few years, including Idaho HB 96 and Utah HB 77, both passed in 2025. Utah's law, widely seen as unconstitutional, limits the use of flags displayed by government entities including public schools, effectively banning pride flags as well as other affirming flags such as Juneteenth flags.

2. For additional information on the Trump Administration's actions against LGBTQ+ individuals see, e.g., *Trump Anti-LGBTQ+ Executive Order Litigation Tracker*, Nat'l LGBTQ+ Bar Ass'n <https://lgbtqbar.org/programs/advocacy-resources/trump-executive-order-tracker/> (last visited July 16, 2026); *Trump Accountability Tracker*, GLAAD, <https://glaad.org/trump-accountability-tracker/> (last visited July 16, 2026).

Over the last two years, several trends in state-level LGBTQ+ abusive preemption have emerged. These trends include renewed efforts to explicitly preempt local nondiscrimination ordinances enacted to protect LGBTQ+ residents from discrimination at work and in housing and public accommodations; state laws defining sex in ways that prohibit recognition of transgender and nonbinary people; measures targeting LGBTQ+ visibility through removal of affirming symbols, information, and educational materials; bills aimed at excluding transgender and nonbinary people from public life including bills that enforce sex-segregation and exclude transgender and nonbinary people in bathrooms and other facilities; and legislation with the apparent intent of restricting drag performances (nine bills introduced over the last two years).<sup>3</sup>

Since 2023, there has been a notable and concerning rise in state laws and executive orders defining sex and regulating gender in ways that prohibit recognition of transgender and nonbinary

people, which open the door to a broad range of discrimination; these measures now exist in 19 states, including 9 new states that enacted such measures in 2025 and 2026.<sup>4</sup> Additionally, Montana and Tennessee passed legislation building on earlier laws defining sex and in Montana's case, intended to circumvent a previous ruling that found the original law unconstitutional due to its unclear bill title.<sup>5</sup>

In addition to these legislative measures defining sex and gender, 19 preemptive bills were introduced in 2025 and 2026, specifically targeting transgender and nonbinary people's access to bathrooms and other sex-segregated facilities. Together, these bills represent an assault on transgender people's rights and have dangerous implications for identity documents, public accommodations, and other areas of policy.<sup>6</sup>

## Stripping Transgender and Nonbinary Individuals of Nondiscrimination Protections

One of the most troubling trends in state-level anti-LGBTQ+ preemption is a return to bills designed to roll back nondiscrimination protections for LGBTQ+ individuals and ban municipalities from keeping those protections on the books. As laid out in more detail in our [2024 report](#), these pernicious sweeping attempts are not new. Between 2011 and 2016, North Carolina, Tennessee, and Arkansas explicitly preempted local nondiscrimination ordinances in response to local LGBTQ+ advances and protective measures.<sup>7</sup> Due to backlash, North Carolina ultimately repealed its sweeping anti-LGBTQ+ and anti-worker preemption law—popularly known as HB2—and in the interim years there was a shift away from targeting local nondiscrimination measures, replaced by rapid growth of other state bills and laws targeting LGBTQ+ people more broadly.<sup>8</sup>

The reemergence of nondiscrimination preemption bills is a startling reminder of the current climate on LGBTQ+ rights across the country: increasing attacks on transgender Americans and nondiscrimination protections at the federal level, renewed anti-LGBTQ+ rhetoric, and opportunistic targeting of vital local nondiscrimination protections for LGBTQ+ individuals achieved through decades of activism and advocacy.

In 2025, Iowa Governor Kim Reynolds signed a bill rolling back Iowa's civil rights law by removing gender identity as a protected class, stripping transgender and nonbinary Iowans of state-level nondiscrimination protections. Following this unprecedented act, in 2026, Iowa passed a preemptive measure barring local governments from including additional protected classes not present

3. Movement Advancement Project. 2026. *Equality Maps: Restrictions on Drag Performances*. <https://mapresearch.org/equality-map/restrictions-on-drag-performances/> (last visited June 23, 2026).

4. Movement Advancement Project. 2026. *Equality Maps: Regulating Gender to Allow Discrimination*. <https://mapresearch.org/equality-map/regulating-gender-to-allow-discrimination/> (last visited June 23, 2026).

5. *Id.*; see also ACLU of Montana. *SB 458, Which Sought to Restrictively Define 'Sex,' Found to Violate Montana State Constitution Because It Didn't Clearly Define 'Sex' in the Bill Title*. June 27, 2024. <https://www.aclumontana.org/press-releases/sb-458-which-sought-restrictively-define-sex-found-violate-montana-state-constitution/>

6. See e.g., *The Chilling Effect of Abusive Preemption on LGBTQ+ Rights*, Local Solutions Support Ctr. (Mar. 20, 2025), <https://www.supportdemocracy.org/the-latest/the-chilling-effect-of-abusive-preemption-on-lgbtq-rights>; Joshua Arrayales & Elana Redfield, *The Impact of 2025 Anti-Transgender Legislation on Youth*, Williams Inst. at UCLA Sch. of L. (Jan. 2026), <https://williamsinstitute.law.ucla.edu/publications/anti-trans-legislation-youth/>.

7. A Better Balance, Local Solutions Support Center & Equality Federation, *Preempting LGBTQ+ Rights: How States Undermine Local Leadership and Innovation on LGBTQ+ Equality*, at 3 (2024), <https://static1.squarespace.com/static/5ce4377caeb1ce00013a02fd/t/65bbb4cf7a85e37ffc5b78dd/1706800339257/PreemptingLGBTQRights.pdf>.

8. *Id.*

in the state's civil rights law. As a result, 28 percent of Iowans who were previously fully protected at the local level against discrimination based on gender identity in private employment, housing, and public accommodations lost these critical protections.<sup>9</sup>

Idaho failed to pass a similar but more sweeping bill which would have effectively banned localities from maintaining or enacting both sexual orientation and gender identity nondiscrimination protections for LGBTQ+ residents across the state.<sup>10</sup>

The harm of these state-level rollbacks on nondiscrimination protections—Iowa's success, and Idaho's failed attempt—cannot be understated. Yet, despite these state-level attacks on transgender and nonbinary people in Iowa and Idaho, under the Supreme Court's 2020 [decision](#) in *Bostock v. Clayton County*, LGBTQ+ people are still covered by Title VII's protections against employment discrimination. However, the current administration has demonstrated hostility towards the *Bostock* decision through its [Executive Order Redefining Sex](#) and is unlikely to be a means for enforcement of Title VII's sexual orientation and gender identity protections.

Against this backdrop, state and local protections that build on federal law are crucial, and perhaps more important now than ever before given the severity of attacks on transgender and nonbinary people at the federal level. States and localities can take many steps to ensure that LGBTQ+ people have nondiscrimination protections that exceed

the now tenuous protections under *Bostock*, including enacting laws and policies that prohibit discrimination in places of public accommodation and housing, lowering the employee threshold to include employees of small businesses, protecting independent contractors, prohibiting discrimination against other classes of individuals, and allowing individuals to enforce their nondiscrimination rights at the local level.



## Rising Attacks on Transgender and Nonbinary Youth

The most significant wave of abusive preemption over the last two years, however, has focused on attacking transgender and nonbinary youth, and to a lesser extent, LGBTQ+ youth as a whole. One hundred thirty-eight of the 200 anti-LGBTQ+ state preemption bills tracked by the Local Solutions Support Center and Equality Federation target transgender and nonbinary youth in schools.

Bills and laws targeting transgender and nonbinary students' ability to participate in school athletics

have been an area of outsized focus for the federal administration and conservative lawmakers across the country for several years. Local Solutions Support Center and Equality Federation tracked 50 youth-focused sports bans introduced in 2025 and 2026 and since 2020, 27 states have banned transgender youth from playing school sports.<sup>12</sup> On June 30, 2026 the Supreme Court of the United States issued a ruling in two cases brought by West Virginia and Idaho, both states defending categorical bans on transgender women and girls

9. Movement Advancement Project. 2026. *Iowa's Equity Profile*. <https://mapresearch.org/equality-profiles/ia/> (last visited June 25, 2026).

10. Dan Rafter, *2026 Mid-Session Trends in State Preemption*, Local Solutions Support Center (Mar. 31, 2026), <https://www.supportdemocracy.org/the-latest/2026-mid-session-trends-in-state-preemption>.

11. A Better Balance, *Bostock v. Clayton County: What the Supreme Court's Decision Means for LGBTQ Workers*, <https://www.abetterbalance.org/resources/bostock/>.

12. Movement Advancement Project. 2026. *Equality Maps: Bans on Transgender Youth Participation in Sports*. <https://mapresearch.org/equality-map/bans-on-transgender-youth-participation-in-sports> (last visited July 2, 2026).

13. See, e.g., American Civil Liberties Union, *Attorneys for Transgender Student-Athletes Respond to Supreme Court Ruling in BPJ and Hecox* (June 30, 2026), <https://www.aclu.org/press-releases/attorneys-for-transgender-student-athletes-respond-to-supreme-court-ruling-in-bpj-and-hecox>.

participating in school sports, *West Virginia v. B.P.J.* and *Little v. Hecox*.<sup>13</sup> The Supreme Court upheld West Virginia's and Idaho's sports bans, holding that the state laws do not violate Title IX or the Equal Protection Clause.<sup>14</sup> Given the Supreme Court's recent decision, the consequences of state laws that both ban transgender youth from playing sports – and preempt local governments who want to foster trans inclusion in athletics – are even more outsized now.

Another major focus of legislation targeting transgender and nonbinary students is access to LGBTQ+ inclusive information in schools, and targeting name and pronoun use through so-called “parental rights” measures. Many of the legislative efforts framed as “parental rights” would require schools to disclose students’ LGBTQ+ identities to

An example of one troubling approach to pronoun use in schools is the so-called *Free to Speak Act*, passed in Montana in 2025, designed to shield students and school employees (as well as state agencies and governmental entities) from consequences for refusing to use a transgender or nonbinary student's name and pronouns, or refusing to share one's own pronouns.<sup>16</sup> In 2025 and 2026, laws restricting name and pronoun use in schools also passed in Tennessee, Virginia, North Dakota, and Texas.<sup>17</sup>

parents when students disclose LGBTQ+ identities at school or request to be referred to by a different pronoun than the one they were assigned at birth. Many of these bills also contain measures protecting school employees, and in some cases, students, who do not respect the pronouns of transgender and nonbinary students.<sup>15</sup>

Thirteen of the bills tracked in recent legislative sessions would prevent transgender students from accessing bathrooms and other facilities consistent with their gender. Another six would impact transgender youth healthcare services (one also preempts local efforts to prohibit transgender-specific conversion therapy). An additional six bills would establish that a parent's refusal to support a trans child's identity cannot be used in family court proceedings to impact decisions about child custody or neglect and abuse findings; Texas and North Carolina passed versions of these bills in 2025.<sup>18</sup> The North Carolina law also prohibits the state from denying adoption placements based on a family's unwillingness to support a child's gender transition.

Though the majority of these bills single out transgender and nonbinary youth, this wave of legislation has impacts on non-trans LGB students as well, particularly concerning access to affirming information about LGBTQ+ people, support for LGBTQ+ students in schools, and the ability to foster an inclusive school culture and environment.

## Conclusion

LGBTQ+ advocates across the country are leading efforts to combat this extremely troubling rise in the use of abusive preemption to target LGBTQ+ individuals, families, and communities. As detailed in our [2024 report](#), there are opportunities to resist and mobilize against anti-LGBTQ+ preemption, including structural reforms around local governance, litigation challenges, cross-movement organizing, and communications and messaging work.

As detailed in this 2026 update, the need to organize and resist have only grown in importance, especially in light of hostile rhetoric and increased attacks from the federal government and a rise in legislation targeting LGBTQ+ people generally, and transgender and nonbinary Americans and youth specifically. Fortunately, LGBTQ+ advocates are mobilizing and organizing across movements to fight back against abusive preemption and to protect the lifeline offered by local LGBTQ+ protections.

14. *Id.*

15. For an in-depth analysis of legislative efforts focused on transgender youth see Arrayales & Redfield, *supra* note 6.

16. H.B. 400, 69th Leg., Reg. Sess. (Mont. 2025) (enacted May 1, 2025). Montana's law also creates a private cause of action allowing any person who believes they have been harmed to bring suit against a public school or the state for injunctive relief and monetary damages.

17. H.B. 1270, 114th Gen. Assem., Reg. Sess. (Tenn. 2025) (enacted May 9, 2025); S.B. 474, 2025 Leg., Reg. Sess. (Va. 2025) (enacted April 30, 2025); H.B. 1144, 69th Leg. Assem., Reg. Sess. (N.D. 2025) (enacted May 2, 2025); S.B. 12, 89th Leg., Reg. Sess. (Tex. 2025) (enacted June 20, 2025).

18. H.B. 1106, 89th Leg., Reg. Sess. (Tex. 2025) (enacted June 20, 2025); Parents Protection Act, S.L. 2025-59, 2025 N.C. Sess. Laws 59.