

APPENDIX: ANTI-SLAPP LAWS

Use the **Appendix chart** to find out what protections you have under an **anti-SLAPP law**. Here is a summary of each chart column in the **Appendix chart**:

State: Find your state or U.S. territory in this column.

Anti-SLAPP?: This column explains if your state has an anti-SLAPP law. If it does, you can click on the link to read the full **statute**.

Statutes vs. Court Cases: When Congress or state lawmakers write a law, that written law is called a **statute**. When a **court** decides a case, it explains how the statute applies to the specific facts of the case. The law is made up of both statutes and court cases.

Rights: This column explains what rights are protected by each state's anti-SLAPP law.

- Most states' anti-SLAPP laws only protect your right to **petition**. Petition means asking your government to fix a bad outcome or change a policy. In most states, your right to petition includes speaking at a government proceeding or talking about an issue being considered by a government proceeding. A **government proceeding** is a government meeting or hearing, such as a lawsuit, agency investigation, legislative hearing, school board meeting, or workers' rights commission.
- Some states' anti-SLAPP laws also protect your right to **speech**, which usually means speaking in a public place about an "issue of public interest" (see **Sex-Based Harassment** column below for more). In some states, your right to **speech**

can also include writing consumer reviews or complaints or saying something about a book, movie, or other work of art.

- Some states' anti-SLAPP laws also protect your right of free **press, assembly, and association**. Press usually means news and other media. Assembly and association usually mean joining a group of people to promote a shared interest.

Example: Let's say your state has an **anti-SLAPP law** that protects only the right to **petition**. If you spoke out about your abuser in a legislative hearing (**petition**), then the anti-SLAPP law would apply to your statement. But if you posted the same exact statement on social media (**speech**), then the anti-SLAPP law would not apply.

Sex-Based Harassment: This column explains if your state's **anti-SLAPP law** protects statements about **sex-based harassment in general**, outside of a **petition** to the government. In other words, this column explains if your state thinks **speech** about sex-based harassment is speech about an "issue of public interest" and thus protected by the anti-SLAPP law. In most states, the answer is unclear because the courts haven't yet decided an anti-SLAPP case about sex-based harassment. In some states, the **statute** says "political" and "social" issues are "issues of public interest," but many of their courts don't think sex-based harassment is a political or social issue. In some other states, the **statute** says "health" and "safety" are "issues of

public interest," and most of their courts do think sex-based harassment is a health or safety issue. (In general, you don't have to worry about this column if you spoke out about sex-based harassment in a statement to the government asking for help, and your state's anti-SLAPP law protects the right to petition.)

Discovery: This column explains if **discovery** will be paused ("stayed") during your **anti-SLAPP motion**. Most states' anti-SLAPP laws require the court to pause discovery while the court decides your anti-SLAPP motion. This is helpful because discovery can be very invasive, expensive, and time-consuming. But most states also allow the court to order limited discovery in certain situations, like if you or your abuser needs to get specific **evidence** to win the anti-SLAPP motion.

\$. If You Win: This column explains whether your abuser will have to pay your **lawyer's** fees and court costs ("fees and costs") if you win your **anti-SLAPP motion**. The answer is yes in almost all states with an anti-SLAPP law. In a few states, the court gets to decide if your abuser will pay your fees and costs.

\$. If You Lose: This column explains whether you will have to pay your abuser's fees and costs if you lose your **anti-SLAPP motion**. In most states, this will only happen if the court thinks your motion was not serious ("frivolous") or filed only to delay the **lawsuit** ("dilatory"). In some states, the **anti-SLAPP statute** doesn't mention at all if you might have to pay your abuser, and the courts haven't said anything yet either.

Appeal: This column explains whether you can **appeal** right away if you lose your **anti-SLAPP motion**. (This is called an "interlocutory appeal.") The answer is yes in most states with an anti-SLAPP law. This is helpful because it means you don't have to wait to finish the rest of the **lawsuit** (which can be invasive, expensive, and time-consuming) before appealing.

Timing: Some states may have passed or updated their **anti-SLAPP law** recently, after you were sued and while your **lawsuit** is still ongoing. Your abuser may argue that the new law doesn't protect you because they sued you when the old law was in effect. Your lawyer can help you argue that the new law protects you because it also applies to lawsuits that began before the new law was passed but are still ongoing. (This is called a "retroactive" law.)

The **chart on the following pages** uses the following colors to describe how well each part of a state's anti-SLAPP law protects you:



Note: This **Appendix** should not be used as a replacement for talking with a **lawyer**. This is because many state and federal courts are still figuring out how to apply **anti-SLAPP statutes** to cases involving **defamation** and **sex-based harassment**. Some courts may have never even heard a case involving defamation and sex-based harassment before. And sometimes, even if a state statute seems broad, a court could apply it narrowly. So, it is very important to talk to a lawyer about your specific situation, your state's laws, and trends in the courts.

STATE	ANTI-SLAPP?: Does this state have an anti-SLAPP law?	RIGHTS: What rights are protected by the state's anti-SLAPP law?	SEX-BASED HARASSMENT: Does the state protect statements about sex-based harassment in general, outside of a petition?	DISCOVERY: Is discovery paused ("stayed") during the motion?	\$: IF YOU WIN, will your abuser have to pay your fees and costs?	\$: IF YOU LOSE, will you have to pay your abuser's fees and costs?	APPEAL: If you lose your motion, can you appeal right away?
AL	No						
AK	No						
AS	No						
AZ	Yes	The right to petition, speech, press, or assembly. State courts have held that the right to petition includes police reports.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Maybe. If you win the first step of your motion, which is showing that your abuser sued you to retaliate against you or to stop you from speaking out, then discovery will be paused during the rest of your motion.	Maybe. If you win your motion, it's up to the court to decide whether your abuser has to pay your fees and costs.	Maybe. If you lose your motion <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Maybe. If you win the first step of your motion, which is showing that your abuser sued you to retaliate against you or to stop you from speaking out, then you can appeal right away. All appeals are fast-tracked.
AR	Yes	The right to petition or speech on an issue of public interest, including (but not limited to) statements made: in a government proceeding, about an issue being considered by a government proceeding, or criticizing a government proceeding or official.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Yes. But the court may allow limited discovery if there's a good reason.	Maybe. If you win your motion, it's up to the court to decide whether your abuser has to pay your fees and costs. You might also get extra money if you show your abuser sued you to harass, retaliate, or stop you from speaking out.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Unclear. The statute does not specify, and courts have not yet addressed the issue.
CA	Yes	The right to petition or speech on an issue of public interest, including (but not limited to) statements made: in a government proceeding, about an issue being considered by a government body, or in a public place about an issue of public interest. Some state courts have said that the right to petition includes statements made in a police report, in a lawsuit, in preparation for a Title IX proceeding, in preparation for a government proceeding, or to anyone who is required by law to investigate or report abuse to police or other government body (such as a nurse). Some state courts have also said that public places include public websites, newspapers, press conferences, and online reviews. To decide if something is an issue of public interest, state courts have asked whether the statement is about: a public figure, a widespread public debate, or conduct that could affect a large number of people. Some federal courts have applied the CA's law in federal cases.	Unclear. The statute says it should be applied broadly, and some state courts have said that child sexual abuse and workplace sexual harassment are issues of public interest because they are issues of health or safety. In 2016, the state supreme court granted a student's motion regarding statements she made while preparing to file a Title IX complaint about sexual harassment. Some state and federal courts have said that domestic violence is an issue of public interest, but some state courts have said it's not. In 2019, a federal court said that domestic violence is an issue of public interest, but it denied the woman's motion because her boss said he had not been abusive.	Yes. But the court may allow limited discovery if there's a good reason.	Yes. And you can also sue your abuser separately for SLAPPING you (this is called a SLAPPback).	Maybe. If you lose your motion <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Yes.

STATE	ANTI-SLAPP?: Does this state have an anti-SLAPP law?	RIGHTS: What rights are protected by the state's anti-SLAPP law?	SEX-BASED HARASSMENT: Does the state protect statements about sex-based harassment in general, outside of a petition?	DISCOVERY: Is discovery paused ("stayed") during the motion?	\$. IF YOU WIN, will your abuser have to pay your fees and costs?	\$. IF YOU LOSE, will you have to pay your abuser's fees and costs?	APPEAL: If you lose your motion, can you appeal right away?
CO	Yes	The right to petition or speech on an issue of public interest, including (but not limited to) statements made: in a government proceeding, about an issue being considered by a government body, or in a public place about an issue of public interest.	Unclear. The statute does not specify, and courts have not really addressed the issue yet. In 2021, a state court denied a woman's anti-SLAPP motion based on her ex-husband's evidence that she filed a false police report of domestic violence. In 2021, a federal court also denied a woman's anti-SLAPP motion because her boyfriend said she lied about sexual assault and domestic violence.	Yes. But the court may allow limited discovery if there's a good reason.	Yes.	Maybe. If you lose your motion <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Yes.
CT	Yes	The right to petition, speech, or association on an issue of public concern. The right to petition means statements made about an issue being considered by a government body, to encourage a government body to consider an issue, or to get the public to encourage the government to consider an issue. The right to speech means statements made in a public place about an issue of public concern. The right to association means statements between a group of people to promote a shared interest. An issue of public concern means an issue related to health or safety; environmental, economic, or community well-being; government, zoning, or regulatory issues; a public official or public figure; or an audiovisual work.	Probably. State courts have said that sexual assault, child sexual abuse, workplace sexual harassment, and sexual harassment in public spaces are issues of public interest because they are related to health or safety and community well-being. A state court also said in 2019 that CT's law protects good-faith reports to police, even if the police ultimately close the investigation.	Yes. Discovery is also paused during any appeal of the motion. But the court may allow limited discovery if there's a good reason and it's relevant to your motion.	Yes.	Maybe. If you lose your motion <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Yes.
DE	Yes	The right to make statements about an applicant or holder of a government permit, zoning change, lease, license, or certificate.	No. You are only protected if you speak about sex-based harassment related to a government permit, zoning change, lease, license, or certificate. For example, it's possible you might be protected if you report your abuser to stop them from getting a state license to be a therapist.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Maybe. If you win your motion, it's up to the court to decide whether your abuser has to pay your fees and costs. You might also get extra money if you show your abuser sued you to harass, retaliate, or stop you from speaking out.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Unclear. The statute does not specify. One state court has allowed a defendant who lost their motion to appeal right away.

STATE	ANTI-SLAPP?: Does this state have an anti-SLAPP law?	RIGHTS: What rights are protected by the state's anti-SLAPP law?	SEX-BASED HARASSMENT: Does the state protect statements about sex-based harassment in general, outside of a petition?	DISCOVERY: Is discovery paused ("stayed") during the motion?	\$: IF YOU WIN, will your abuser have to pay your fees and costs?	\$: IF YOU LOSE, will you have to pay your abuser's fees and costs?	APPEAL: If you lose your motion, can you appeal right away?
DC	Yes	The right to advocate on an issue of public interest, which means: statements made about an issue being considered by a government body, statements made in a public place about an issue of public interest, or any other expressive conduct to petition the government or talk to the public about an issue of public interest. An issue of public interest means an issue related to health or safety; environmental, economic, or community well-being; the DC government; a public figure; or a good, product, or service in the marketplace. A federal appellate court has said that DC's law does not apply in federal cases.	Probably. DC's highest court said in 2022 that workplace sexual harassment is an issue of public interest because it is related to health or safety and community well-being.	No. In 2023, DC's highest court struck down a part of the statute that had required courts to pause discovery during an anti-SLAPP motion.	Probably. The statute says it's up to the court to decide. But DC's highest court said in 2016 that if you win, it's assumed your abuser will pay your fees and costs unless there are special circumstances that would make it unfair.	Maybe. If you lose your motion, <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, <u>and</u> it wants to make you pay your abuser's fees and costs, then you would have to pay your abuser's fees and costs.	Yes. The statute does not specify, but DC's highest court said in 2016 that if you lose a motion, you can appeal right away.
FL	Yes	The right to speech on a public issue, assembly, or petition. Free speech related to a public issue means a statement made: to a government body about an issue it is considering; or in or about a play, movie, TV show, radio broadcast, audiovisual work, book, magazine article, musical work, news report, or other similar work.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Unclear. The statute does not specify. One state court has granted a defendant's request to pause discovery.	Yes.	Yes.	Unclear. The statute does not specify, and courts have decided both ways on the issue.
GA	Yes	The right to petition or speech on an issue of public interest, including (but not limited to) statements made: in a government proceeding, about an issue being considered by a government proceeding, or in a public place about an issue of public interest. A federal appellate court has said that GA's law does not apply in federal cases.	Unclear. The statute says it should be applied broadly. In general, state courts look at whether the statement affects a large number of people. A state court said in 2022 that sex-based harassment is not an issue of public interest when it only involves the victim and harasser.	Yes. But the court may allow limited discovery if there's a good reason. And if your abuser is a public figure, then they can have limited discovery on whether you made your statements with actual malice.	Yes.	Maybe. If you lose your motion <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Yes.
GU	Yes	The right to petition, including to inform, get help from, change policy, or participate in the process of government.	No. You are only protected if you speak about sex-based harassment in a petition.	Yes. Discovery is also paused during any appeal of the motion.	Yes. The court could also punish your abuser to prevent other abusers from filing similar SLAPPs in the future. And you can also sue your abuser separately for SLAPPING you (this is called a SLAPPback).	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Yes. The appeal will also be fast-tracked.

STATE	ANTI-SLAPP?: Does this state have an anti-SLAPP law?	RIGHTS: What rights are protected by the state's anti-SLAPP law?	SEX-BASED HARASSMENT: Does the state protect statements about sex-based harassment in general, outside of a petition?	DISCOVERY: Is discovery paused ("stayed") during the motion?	\$. IF YOU WIN, will your abuser have to pay your fees and costs?	\$. IF YOU LOSE, will you have to pay your abuser's fees and costs?	APPEAL: If you lose your motion, can you appeal right away?
HI	Yes	The right to speech, press, assembly, petition, or association on an issue of public concern, which includes communications made in a government proceeding or about an issue being considered by a government proceeding.	Unclear. The statute says it should be applied broadly and consistent with other states that have passed the uniform law. But courts have not yet addressed the issue.	Yes. Discovery is also paused during any appeal of the motion. But the court may allow limited discovery if it is needed to help you or your abuser win the motion.	Yes.	Maybe. If you lose your motion <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Yes.
ID	No						
IL	Yes	The right to petition, speech, association, or other participation in government, unless you weren't actually trying to get a government or election outcome. The state supreme court added that you also have to show your harasser sued you solely to stop you from speaking out.	Unclear. The statute says it should be applied broadly. But in 2013, a state court denied a woman's motion because her abusers sued her for defamation 2+ years after she sued them for sexual assault (instead of right after she sued them) and because the issue was sexual assault (not something like real estate zoning). State courts have also denied motions by victims of school and workplace abuse because the courts said their abusers sued to protect their reputation, not solely to stop the victims from speaking out.	Yes. But the court may allow limited discovery on whether you were exercising your right to petition, speech, association, or other participation in government.	Yes.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Yes. The appeal will also be fast-tracked.
IN	Yes	The right to petition or speech on an issue of public interest. State courts have said speech includes media coverage. The state supreme court has said an issue of public interest is about any political, social, or other concern to the community. Other state courts have asked whether the statement is about: a public figure, a widespread public debate, or conduct that could affect a large number of people. A state court has also said that you need to show your abuser sued you mainly to stop you from speaking out. Federal courts have said IN's law applies in federal cases.	Unclear. The statute does not specify, and courts have not yet addressed the issue. A court might decide that sex-based harassment is generally an issue of public interest because it is a political, social, or other concern to the community and could affect a large number of people. Or, it could decide that an incident between 2 people does not affect a large number of people.	Unclear. The statute says yes, and that the court may allow limited discovery if it is relevant to your motion. But a federal court said in 2010 that IN's law treats an anti-SLAPP motion as a motion for summary judgment, which means discovery is required.	Yes. State courts have also said that your abuser has to pay your fees and costs even if your insurer has already paid them.	Maybe. If you lose your motion <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Maybe. The statute does not specify, but some state courts have allowed defendants who lost their motions to appeal right away.
IA	No						

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KS	<u>Yes</u>	The right to petition, speech, or association on an issue of public interest. Petition means a communication: in or about a government proceeding, a proceeding of a publicly funded school or university board, or a public meeting with a public purpose; about an issue being considered by a government proceeding; to encourage a government proceeding to consider an issue; or to get the public to encourage the government to consider an issue. Speech means a communication about an issue of public interest. Association means a communication between a group of people to promote a shared interest. Communication means an oral, visual, written, electronic, or other statement or document. An issue of public interest means an issue related to health or safety; environmental, economic, or community well-being; the government; a public official or public figure; or a good, product, or service in the marketplace. A federal district court has said that KS's law applies in federal cases.	Probably. The statute says it should be applied broadly. A state court said in 2021 that emails between school officials about a student stalker were about an issue of public interest because they were related to health or safety and community well-being.	Yes. Discovery is also paused during any appeal of the motion. But the court may allow limited discovery if there's a good reason and it's relevant to your motion.	Yes. The court could also order your abuser to pay you extra money to prevent other abusers from filing similar SLAPPs against their victims.	Maybe. If you lose your motion <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Yes.
KY	<u>Yes</u>	The right to speech, press, assembly, petition, or association on an issue of public concern, including communications made: in a government proceeding; about an issue being considered by a government proceeding; in a consumer complaint or review; or publicly or privately about a dramatic, literary, musical, political, journalistic, audiovisual, film, television, radio, newspaper, website, magazine, or other artistic work. An issue of public concern means an issue related to a public official or public figure; an issue of political, social, or other interest to the community; or an issue of concern to the public.	Unclear. The statute does not specify, and courts have not yet addressed the issue. A court might decide that sex-based harassment is generally an issue of public concern because it is an issue of political, social, or other interest to the community; or is an issue of concern to the public.	Yes. Discovery is also paused during any appeal of the motion. But the court may allow limited discovery if it is needed to help you or your abuser win the motion.	Yes.	Maybe. If you lose your motion <u>and</u> the court thinks you filed your motion without a good reason, then you would have to pay your abuser's fees and costs.	Yes.

STATE	ANTI-SLAPP?: Does this state have an anti-SLAPP law?	RIGHTS: What rights are protected by the state's anti-SLAPP law?	SEX-BASED HARASSMENT: Does the state protect statements about sex-based harassment in general, outside of a petition?	DISCOVERY: Is discovery paused ("stayed") during the motion?	\$: IF YOU WIN, will your abuser have to pay your fees and costs?	\$: IF YOU LOSE, will you have to pay your abuser's fees and costs?	APPEAL: If you lose your motion, can you appeal right away?
LA	<u>Yes</u>	The right to petition or speech on a public issue, including (but not limited to) statements made: in a government proceeding, about an issue being considered by a government proceeding, or in a public place about an issue of public interest. The state supreme court has said an issue of public interest is about any political, social, or other concern to the community. State courts have also said an issue of public interest can involve actions between private people and includes media coverage of police reports and investigations.	Unclear. The statute does not specify, and courts have not yet addressed the issue. A court might decide that sex-based harassment is generally an issue of public interest because it is an issue of political, social, or other concern to the community.	Yes. But the court may allow limited discovery if there's a good reason.	Yes.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Unclear. The statute does not specify, and courts have not yet addressed the issue.
ME	<u>Yes</u>	The right to petition, including (but not limited to) statements made: in a government proceeding, about an issue being considered by a government proceeding, to encourage the government to consider an issue, or to get the public to encourage the government to consider an issue. State courts have said that petition includes statements made in newspapers to encourage government officials to consider an issue. Even if you were using your right to petition, your abuser could still win if they show your statements had no factual or legal basis and actually injured them. A federal appellate court has said that ME's law applies in federal cases.	No. You are only protected if you speak about sex-based harassment in a petition. For example, the state supreme court said in 2019 that a man's letters to a nonprofit's donors about child sexual abuse at the nonprofit were not a petition. Also, even if you speak in a petition, you could still lose: for example, a state court denied a woman patient's motion in 2011 because her doctor-abuser showed that her statements had no factual basis (his employees testified that they didn't hear her scream or see her run from his office) and because her abuser was actually injured by her statements (he spent \$300 on counseling).	Yes. But the court may allow limited discovery if there's a good reason.	Maybe. If you win your motion, it's up to the court to decide whether your abuser has to pay your fees and costs.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Yes. The statute does not specify, but the state supreme court said in 2008 that if you lose your motion, you can appeal right away.
MD	<u>Yes</u>	The right to petition, speech, press, or assembly regarding any government issue or issue of public interest. You also have to show your abuser sued you in bad faith and to stop you from speaking out.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Unclear. The statute says all proceedings are paused during the motion, so this includes discovery. But a federal court said in 2017 that it needed discovery to decide if the plaintiff sued in bad faith and to stop the defendant from speaking out.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Unclear. The statute does not specify, and courts have not yet addressed the issue.

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MA	Yes	The right to petition, including (but not limited to) statements made: in a government proceeding, about an issue being considered by a government proceeding, to encourage the government to consider an issue, or to get the public to encourage the government to consider an issue. The state supreme court added that you have to show your abuser's main goal in suing you is to stop you from speaking out. Some state courts have said that the petition does not have to be about an issue of public interest. A federal court has said MA's law does not apply in federal cases.	No. You are only protected if you speak about sex-based harassment in a petition. A federal court said in 2019 that it would not treat a Title IX complaint of sexual assault as a petition without discovery.	Yes. But the court may allow limited discovery if there's a good reason.	Yes.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Yes. The statute does not specify, but the state supreme court said in 2009 that if you lose your motion, you can appeal right away.
MI	No						
MN	No						
MS	No						
MO	Yes	Speech or conduct in a court-like public hearing or meeting, including any meeting by a state or local government body, such as a council, planning commission, or review board. Federal courts have clarified that actual court proceedings do not count. A state court has said that you also need to show your abuser sued you to retaliate against you.	No. You are only protected if you speak about sex-based harassment in a court-like public hearing.	Yes. Discovery is also paused during any appeal of the motion.	Yes.	Maybe. If you lose your motion <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Unclear. The statute says all appeals are fast-tracked. But some state courts have said that the statute only says <u>if</u> you get to appeal right away, then it will be fast-tracked, but not that you always get to appeal right away.
MT	No						
NE	Yes	The right to make statements about an applicant or holder of a government permit, zoning change, lease, license, or certificate.	No. You are only protected if you speak about sex-based harassment related to a government permit, zoning change, lease, license, or certificate. For example, it's possible you might be protected if you report your abuser to stop them from getting a state license to be a therapist.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Maybe. If you win your motion, it's up to the court to decide whether your abuser has to pay your fees and costs. The court could also order your abuser to pay you extra money if you can show they sued you to harass, retaliate, or stop you from speaking out.	Maybe. If you lose your motion, <u>and</u> the court thinks you made your statements with actual malice, <u>and</u> it wants to make you pay your abuser's fees and costs, then you would have to pay your abuser's fees and costs.	Unclear. The statute does not specify, and courts have not yet addressed the issue.

STATE	ANTI-SLAPP?: Does this state have an anti-SLAPP law?	RIGHTS: What rights are protected by the state's anti-SLAPP law?	SEX-BASED HARASSMENT: Does the state protect statements about sex-based harassment in general, outside of a petition?	DISCOVERY: Is discovery paused ("stayed") during the motion?	\$. IF YOU WIN, will your abuser have to pay your fees and costs?	\$. IF YOU LOSE, will you have to pay your abuser's fees and costs?	APPEAL: If you lose your motion, can you appeal right away?
NV	<u>Yes</u>	The right to petition or speech on an issue of public interest, which means statements made: to a government employee about a government issue, about an issue being considered by a government body, in a public place about an issue of public interest, or to get a specific government or election action or outcome. The state supreme court has said that something is a public interest when: (1) the public is more than just curious about it; (2) it concerns a large number of people; (3) the statements are closely related to the specific public interest; (4) the speaker was focused on the public interest, not just trying to get support for a private disagreement; and (5) the speaker wasn't just making a private disagreement public by telling a lot of people about it. The state supreme court has also said that a statement can be on an issue of public interest even if it is made to 1 person. State courts have held that 3,000 and 8,000 are a large number of people, but not 8 or 20. A federal appellate court has said that NV's law applies in federal cases.	Unclear. The statute does not specify, and courts have not yet addressed the issue. A state court might decide sex-based harassment is generally an issue of public interest because it fits all 5 requirements of the state supreme court. Or, it might decide not because an incident between 2 people does not concern a large number of people.	Yes. Discovery is also paused during any appeal of the motion. But the court may allow limited discovery if it is needed to help your abuser win the motion.	Yes. The court could also order your abuser to pay you extra money, up to \$10,000. And you can also sue your abuser separately for SLAPPING you (this is called a SLAPPback).	Maybe. If you lose your motion <u>and</u> the court thinks it was not serious or only filed to harass or burden your abuser, <u>and</u> it wants to make you pay your abuser's fees and costs, then you would have to pay your abuser's fees and costs. The court could also order you to pay your abuser extra money, up to \$10,000, and punish you in other ways.	Yes. You would appeal directly to the state's supreme court.
NH	No						
NJ	NJ created a new anti-SLAPP law in September 2023, after this toolkit was first published. See page 14 of this Appendix for information about NJ's new law.						
NM	<u>Yes</u>	Speech or conduct in or about a court-like public hearing or meeting by a state or local government body, such as a council, planning commission, or review board. A federal appellate court has said that NM's law does not apply in federal cases.	No. You are only protected if you speak about sex-based harassment in or about a court-like public hearing or meeting by a state or local government body.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Yes.	Maybe. If you lose your motion <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Yes. The appeal will also be fast-tracked.
MP	No						

STATE	ANTI-SLAPP?: Does this state have an anti-SLAPP law?	RIGHTS: What rights are protected by the state's anti-SLAPP law?	SEX-BASED HARASSMENT: Does the state protect statements about sex-based harassment in general, outside of a petition?	DISCOVERY: Is discovery paused ("stayed") during the motion?	\$. IF YOU WIN, will your abuser have to pay your fees and costs?	\$. IF YOU LOSE, will you have to pay your abuser's fees and costs?	APPEAL: If you lose your motion, can you appeal right away?
NY	<u>Yes</u>	The right to petition or participation, including statements made in a public place about an issue of public interest. The term "public interest" is broad and means anything that isn't purely private. Also, your abuser must prove you made your statements with actual malice, even if they are a private figure. State courts have said that public places include press, news, books, and social media, but not a group of roommates. Some federal courts have said that NY's law (or parts of it) do not apply in federal cases.	Yes. The statute says "public interest" is broad and means anything that isn't purely private. State courts have said that workplace sexual harassment, domestic violence, and child abuse are issues of public interest. State lawmakers also explained they passed this law in part to protect survivors of sex-based harassment from defamation lawsuits. In 2021, a federal court allowed a woman to add an anti-SLAPP motion to her lawsuit; the court said her Facebook and LinkedIn posts about being sexually assaulted were not about a purely private issue because they mentioned #MeToo and criticized police.	Yes. But the court may allow limited discovery if it is needed to help your abuser win the motion.	Yes. Some state courts have said that you have to ask for fees and costs separately (not just in the anti-SLAPP motion). You can also get extra money if you can show your abuser sued you to harass, retaliate, or stop you from speaking out.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Yes. The statute does not specify, but NY law allows you to appeal right away whenever you lose any type of motion.
NC	No						
ND	No						
OH	No						
OK	<u>Yes</u>	The right to association, speech, or petition. Association means a communication between a group of people to promote a shared interest. Speech means a communication on an issue of public concern. Petition means communications made: in or about a government proceeding, in or about a proceeding by a publicly funded school or nonprofit, in or about a public meeting about an issue of public concern, about an issue being considered by a government body, to encourage the government to consider an issue, or to get the public to encourage the government to consider an issue. A communication means an oral, visual, written, electronic, or other statement or document. An issue of public concern means an issue related to health or safety; environmental, economic, or community well-being; the government; a public official or public figure; or a good, product, or service in the marketplace.	Probably. The statute says it should be applied broadly. State courts are likely to decide that sex-based harassment is generally an issue of public interest because it is related to health or safety or community well-being.	Yes. But the court may allow limited discovery if there's a good reason and it's relevant to your motion.	Yes. The court can also punish your abuser as needed to prevent them from filing similar SLAPPs in the future.	Maybe. If you lose your motion, <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, <u>and</u> it wants to make you pay your abuser's fees and costs, then you would have to pay your abuser's fees and costs.	Yes. The appeal will also be fast-tracked.

STATE	ANTI-SLAPP?: Does this state have an anti-SLAPP law?	RIGHTS: What rights are protected by the state's anti-SLAPP law?	SEX-BASED HARASSMENT: Does the state protect statements about sex-based harassment in general, outside of a petition?	DISCOVERY: Is discovery paused ("stayed") during the motion?	IF YOU WIN, will your abuser have to pay your fees and costs?	IF YOU LOSE, will you have to pay your abuser's fees and costs?	APPEAL: If you lose your motion, can you appeal right away?
OR	Yes	The right to assembly, petition, association, speech, or press about an issue of public interest, including (but not limited to) statements made: in a government proceeding, about an issue being considered by a government body, or in a public place about an issue of public interest.	Unclear. The statute says it should be applied broadly. A federal court said in 2020 that workplace sexual harassment in a large national organization by a high-ranking officer, in a large industry, or in a large church are issues of public interest. State courts have said that workplace sexual harassment by a state official, child abuse, and domestic violence are issues of public interest. But a state court also said that when school officials told some people about a student abuser, they did not do it in a public place or about an issue of public interest. Note: A state court said in 2019 that a Facebook post criticizing a plaintiff was an opinion protected by the First Amendment because the defendant's statements made it clear she believed the plaintiff was a harasser due to her close friendship with the victim, not due to her knowledge of the facts.	Yes. But the court may allow limited discovery if there's a good reason.	Yes. And if you file an anti-SLAPP motion and your abuser dismisses a claim against you "with prejudice" (meaning they can't refile that claim), then it counts as you winning your motion, which means your abuser has to pay your fees and costs.	Maybe. If you lose your motion and the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Yes.
PA	Yes	Statements about an environmental law or regulation made: in a government proceeding or to get a specific government outcome. State courts have said this includes letters to a newspaper editor, statements to journalists, and protest signs.	No. A court is very unlikely to think sex-based harassment is relevant to an environmental law or regulation.	Yes. Discovery is also paused during any appeal of the motion.	Yes. If you partially win, the court could order your abuser to pay your full or partial fees and costs.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Yes.
PR	No						
RI	Yes	The right to petition or speech on an issue of public concern, including statements made: to a government body or proceeding, about an issue being considered by a government body or proceeding, or about an issue of public concern—unless you weren't actually trying to get a government outcome.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Yes. But the court may allow limited discovery if there's a good reason.	Yes. You can also get extra money if you can show your abuser's lawsuit was not serious or only filed to harass you or stop you from speaking out.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Unclear. The statute does not specify, and courts have not yet addressed the issue.
SC	No						
SD	No						

STATE	ANTI-SLAPP?: Does this state have an anti-SLAPP law?	RIGHTS: What rights are protected by the state's anti-SLAPP law?	SEX-BASED HARASSMENT: Does the state protect statements about sex-based harassment in general, outside of a petition?	DISCOVERY: Is discovery paused ("stayed") during the motion?	\$: IF YOU WIN, will your abuser have to pay your fees and costs?	\$: IF YOU LOSE, will you have to pay your abuser's fees and costs?	APPEAL: If you lose your motion, can you appeal right away?
TN	<u>Yes</u>	The right to speech, petition, or association. Speech means a communication on an issue of public concern. Petition means a communication made to encourage the government to consider an issue or to get the public to encourage the government to consider an issue. Association means group action on an issue of public concern. Communication means an oral, visual, written, electronic, or other statement or document. An issue of public concern includes (but is not limited to) an issue related to health or safety; environmental, economic, or community well-being; the government; a public official or public figure; a good, product, or service in the marketplace; or a literary, musical, artistic, political, theatrical, or audiovisual work.	Probably. The statute says it should be applied broadly. A state court said in 2021 that a student's Title IX complaint of sexual assault was both speech on an issue of public concern (because it was related to health or safety) and a petition (because her university was public). State courts are also likely to decide that sex-based harassment is generally an issue of public interest because it is related to health or safety.	Yes. But the court may allow limited discovery if there's a good reason.	Yes. The court could also punish your abuser to prevent them or other abusers from filing similar SLAPPs in the future.	Maybe. If you lose your motion, <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, <u>and</u> it wants to make you pay your abuser's fees and costs, then you would have to pay your abuser's fees and costs.	Yes.
TX	<u>Yes</u>	The right to speech, association, or petition. Speech means a communication on an issue of public concern, including in a consumer complaint or review; or publicly or privately about a dramatic, literary, musical, political, journalistic, audiovisual, film, television, radio, newspaper, website, magazine, or other artistic work. Association means group action on a government proceeding or an issue of public concern. Petition includes (but is not limited to) communication made: in or about a government proceeding, in or about a proceeding by a publicly funded school or nonprofit, in or about a public meeting on an issue of public concern, about an issue being considered by a government body or proceeding, to encourage the government to consider an issue, or to get the public to encourage the government to consider an issue. Communication means an oral, visual, written, electronic, or other statement or document. An issue of public concern means an issue related to a public official or public figure; an issue of political, social, or other interest to the community; or an issue of concern to the public. TX's law used to define public concern to include health or safety and community well-being, but it doesn't anymore.	Unclear. The statute says it should be applied broadly, and it specifically protects public and private statements by victims of dating violence or domestic violence. But state courts have said that workplace sexual harassment and child sexual abuse are only sometimes (but not always) an issue of public concern, and that it's harder to show that sex-based harassment is a "political, social, or other interest" (under the current law) than a "health or safety" issue (under the old law). One court mentioned in passing that TX's law protects statements by victims of dating or domestic violence but oddly did not apply it to the victim's case. The state supreme court confirmed in 2015 that TX's law protects both public and private statements. A federal appellate court said in 2016 that a report of sexual assault to school officials is a petition. A federal court said in 2015 that it would not decide an anti-SLAPP motion regarding a woman's statements about domestic violence and stalking to police, service workers, doctors, on Twitter, and on TV without limited discovery.	Yes. But the court may allow limited discovery if there's a good reason and it's relevant to your motion.	Yes. The court could also punish your abuser to prevent them from filing similar SLAPPs in the future.	Maybe. If you lose your motion, <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, <u>and</u> it wants to make you pay your abuser's fees and costs, then you would have to pay your abuser's fees and costs.	Yes. The appeal will also be fast-tracked.

STATE	ANTI-SLAPP?: Does this state have an anti-SLAPP law?	RIGHTS: What rights are protected by the state's anti-SLAPP law?	SEX-BASED HARASSMENT: Does the state protect statements about sex-based harassment in general, outside of a petition?	DISCOVERY: Is discovery paused ("stayed") during the motion?	\$. IF YOU WIN, will your abuser have to pay your fees and costs?	\$. IF YOU LOSE, will you have to pay your abuser's fees and costs?	APPEAL: If you lose your motion, can you appeal right away?
VI	No						
UT	Yes	The right to speech, press, assembly, petition, or association on an issue of public concern, including communications made: in a government proceeding; or about an issue being considered by a government proceeding. UT's law only applies to lawsuits that began before May 3, 2023.	Unclear. The statute says it should be applied broadly and consistent with other states that have passed the uniform law. But courts have not yet addressed the issue.	Yes. Discovery is also paused during any appeal of the motion. But the court may allow limited discovery if it is needed to help you or your abuser to win the motion. And the court may still decide a motion to stop a threat to public health or safety.	Yes.	Maybe. If you lose your motion <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Yes.
VT	Yes	The right to petition or speech on an issue of public interest, including (but not limited to) statements made: in a government proceeding, about an issue being considered by a government body or proceeding, or in public place about an issue of public interest. Even if you were using your right to petition or speech, your abuser could still win if they show your statements had no factual or legal basis and actually injured them.	Unclear. The statute does not specify, and courts have not yet addressed the issue. The state supreme court has said in passing that public safety and crime in the community are issues of public interest.	Yes. But the court may allow limited discovery if there's a good reason and it helps the court decide on the motion.	Yes.	Maybe. If you lose your motion <u>and</u> the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Yes.
VA	Yes	Statements made: on an issue of public concern; to a government body, such as a board, commission, or agency; or by an employee against an employer where retaliation is prohibited.	Unclear. The statute does not specify. A state court said in 2021 that Amber Heard couldn't use VA's anti-SLAPP law to dismiss Johnny Depp's defamation claims against her because even if they were dismissed, the case would still continue because she was also suing him. (The court also said that Depp couldn't use VA's anti-SLAPP law to dismiss Heard's claims because his statements were not on issue of public concern.) If a state court decides that VA's law applies to your case, then your abuser would have to prove you made your statements with actual malice, even if they are a private figure.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Maybe. If you win your motion (or if you win at any other stage of the lawsuit), it's up to the court to decide whether your abuser has to pay your fees and costs. A federal appellate court said in 2021 that it's ok for a defendant not to get fees and costs if the plaintiff's lawsuit was serious and not in bad faith.	Unclear. The statute does not specify, and courts have not yet addressed the issue.	Unclear. The statute does not specify, and courts have not yet addressed the issue.

STATE	ANTI-SLAPP?: Does this state have an anti-SLAPP law?	RIGHTS: What rights are protected by the state's anti-SLAPP law?	SEX-BASED HARASSMENT: Does the state protect statements about sex-based harassment in general, outside of a petition?	DISCOVERY: Is discovery paused ("stayed") during the motion?	\$. IF YOU WIN, will your abuser have to pay your fees and costs?	\$. IF YOU LOSE, will you have to pay your abuser's fees and costs?	APPEAL: If you lose your motion, can you appeal right away?
WA	Yes	The right to speech, press, assembly, petition, or association on an issue of public concern, including communications made: in a government proceeding; about an issue being considered by a government proceeding; in a consumer complaint or review; or publicly or privately about a dramatic, literary, musical, political, journalistic, audiovisual, film, television, radio, newspaper, website, magazine, or other artistic work.	Unclear. The statute says it should be applied broadly and consistent with other states that have passed the uniform law. But courts have not yet addressed the issue.	Yes. Discovery is also paused during any appeal of the motion. But the court may allow limited discovery if it is needed to help you or your abuser win the motion.	Yes.	Maybe. If you lose your motion and the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Yes.
WV	No						
WI	No						
WY	No						

NJ Update September 2023:

NJ	Yes	The right to speech, press, assembly, petition, or association on an issue of public concern, including communications made in a government proceeding or about an issue being considered by a government proceeding. NJ's new law applies to SLAPP claims filed on or after Oct 7, 2023.	Unclear. The statute says it should be applied broadly and consistent with other states that have passed the uniform law. But courts have not yet addressed the issue.	Maybe. There is a presumption that discovery will be paused, but it's up to the court to decide. The court may allow limited discovery if it is needed to help you or your abuser win the motion. The court may also decide to pause discovery during any appeal of the motion.	Yes.	Maybe. If you lose your motion and the court thinks your motion was not serious or only filed to delay the lawsuit, then you would have to pay your abuser's fees and costs.	Yes.
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